

EXHIBIT “M”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STATE FARM MUTUAL)
AUTOMOBILE INSURANCE)
COMPANY, ET AL.,)
) CIVIL ACTION
Plaintiffs,)
) NO.: 15-cv-5929

- vs -

LEONARD STAVROPOLSKIY,)
ET AL.,)
)
Defendants.)

- - - - -
EASTERN APPROACH)
REHABILITATION, LLC, ET AL.,)
) CIVIL ACTION
Plaintiffs,)
) NO.: 16-cv-1374

- vs -

STATE FARM MUTUAL)
AUTOMOBILE INSURANCE)
COMPANY, ET AL.,)
)
Defendants.)

- - - - -
TRANSCRIPT OF DEPOSITION OF JEFFREY S.
DENNER, taken by and before JENNIFER WEARNE,
Registered Professional Reporter and Notary
Public, at the offices of GOLDBERG, MILLER &
RUBIN, P.C., 121 South Broad Street, Suite 1600,
Philadelphia, Pennsylvania, on Thursday,
September 7, 2017, commencing at 10:25 a.m.

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JEFFREY S. DENNER

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1 (It is agreed by and between
2 counsel that reading, signing, sealing and
3 filing are hereby waived; all objections,
4 except as to the form of the questions,
5 are reserved until the time of trial.)

6 - - -

7 JEFFREY S. DENNER, after having
8 been duly sworn, was examined and testified
9 as follows:

10 - - -

11 BY MR. CASTAGNA:

12 Q. Good morning, Jeff.

13 A. Good morning.

14 Q. We're here for your deposition in the
15 case called State Farm -- State Farm Mutual
16 Automobile Insurance Company, State Farm Fire
17 and Casualty Company versus a number of
18 defendants, and I'll name them for you. Eastern
19 Approach Rehabilitation, are you familiar with
20 that company?

21 A. Only in name.

22 Q. Aquatic Therapy of Chinatown, are you
23 familiar with that company?

24 A. No.

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1 Q. A Dr. Joseph Wang, but he spells it
2 W-A-N-G, are you familiar with him?

3 A. I am.

4 Q. He pronounces it Wang, but it's Wang,
5 spelled Wang, I should say.

6 A. I've heard of the name Dr. Joseph
7 Wang. I don't know if it's the same person,
8 but, again, only in name; otherwise, I don't
9 know him, no.

10 Q. Okay. And there's one final
11 defendant, Dr. Leonard Stavropolskiy. Do you
12 know that name?

13 A. I do know that name as a chiropractor
14 in Philadelphia.

15 Q. Okay. Have you ever been deposed
16 before?

17 A. Yes.

18 Q. How many times have you been deposed
19 before?

20 A. More than I can remember.

21 Q. Okay. And was it in your capacity as
22 an employee of State Farm, or was it in some
23 other capacity?

24 A. It is my capacity at State Farm, as

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1 well as testifying as an expert witness for
2 federal grand juries and state grand juries.

3 Q. Okay.

4 A. For the government.

5 Q. So we have -- I'm going to give you
6 just some general instructions, and you've
7 probably heard them a number of times either
8 sitting -- I know you -- because you probably
9 sat in depositions as well as -- as testifying
10 in depositions; is that correct?

11 A. I have, yeah.

12 Q. Okay. Let me just give them to you
13 just so we're a little clear on the ground
14 rules.

15 We have a court reporter to my right,
16 to your left. She's going to take down
17 everything I say, everything that you say. We
18 have Mr. Baratta in the room. He's probably
19 going to ask you some questions as well.
20 Because of that, only one of us can speak at
21 once.

22 And you'll do a fine job of not
23 speaking over me, and I'll try to do the same,
24 just so we can make it clear for the court

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1 reporter.

2 Anytime I ask you a question, and you
3 don't understand the question, let me know.
4 I'll restate the question or try to rephrase it.

5 Also, if I ask you a question, and you
6 didn't hear the question or you need me to
7 repeat it, let me know, and I'll do that. Okay?
8 We only want you to answer questions that you
9 know the answer to. So if it would be a pure
10 guess or speculation, let us know, and we'll
11 move on to a different question.

12 Let's start with a little background.
13 You went to college, Jeff?

14 A. I did.

15 Q. Where did you go to college?

16 A. I started Villanova University and
17 graduated from West Chester University.

18 Q. Approximately, if you know, what year
19 did you graduate?

20 A. 1990, I believe.

21 Q. And do you remember what -- do you
22 remember what your degree was in?

23 A. I graduated Bachelor of Science in
24 Business Administration and Marketing.

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1 Q. And when you graduated in 1990, did
2 you go on to any further college education?

3 A. No, I began my career at State Farm
4 right after graduation.

5 Q. Okay. And what was your first
6 position at State Farm?

7 A. I was an auto claim rep in Plymouth
8 Meeting, Pennsylvania.

9 Q. And how long were you in that
10 position?

11 A. Two to three years.

12 Q. What was your next position after
13 that?

14 A. I started as an auto claim rep,
15 processing automobile claims, property damage
16 claims, and then I moved to processing MPC,
17 medical payment claims, and then a very brief
18 stint processing bodily injury claims.

19 Q. And after that brief stint processing
20 bodily injury claims, what was your next
21 position at the company?

22 A. I moved into what was then called a
23 senior referral unit, or what is now known as
24 special investigation, or MCIU. The names have

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1 changed over the years depending on the time
2 frame.

3 Q. Approximately what time, if you can
4 give me a year or around that time, did you
5 become or did you take the position as a senior
6 referral unit employee?

7 A. I'd have to guess at the year. I
8 apologize. It would be in my personnel record.

9 Q. Okay.

10 A. I'm going to -- to the best of my
11 recollection --

12 Q. That's fine.

13 A. -- it was approximately three to
14 three-and-a-half years after I started with the
15 company.

16 Q. Perfect.

17 A. Maximum, four.

18 Q. And have you ever worked at any other
19 insurance company other than State Farm?

20 A. Never.

21 Q. When you came into the position as a
22 senior referral unit employee, what was your --
23 what was your title when you worked in the
24 senior referral unit?

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1 A. I don't remember. It was claim
2 representative, but then they had -- back then
3 we had different titles of claim representative
4 depending how many years service you had. There
5 was a senior claim representative, a claim
6 representative.

7 So I don't remember when they first
8 moved into the investigation team, so to speak,
9 what the actual title was.

10 The unit was brand new, so they were
11 just starting it, so they were actually trying
12 to come up with a title for us, what they were
13 going to call us and what they were going to put
14 on our business cards, and for the life of me I
15 just can't remember that far back what they
16 agreed to put on the business cards.

17 Q. Do you remember who your first --

18 A. I think it may have been called a
19 claims specialist when they first started.

20 Q. Sure. Do you remember who your first
21 supervisor was in that position?

22 A. Yes, David Murphy.

23 Q. Okay. And how long was Mr. Murphy
24 your supervisor?

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1 A. Oh, gosh. Ten, 15 years.

2 Q. And who was your next supervisor in
3 the position? I know that you said it changed
4 to senior referral unit to SIU to MCIU. Who was
5 the next --

6 A. Austin Bowles, B-O-W-L-E-S.

7 Q. And how long was Mr. Bowles your
8 supervisor?

9 A. Quite a few years.

10 Q. Who was your next supervisor, if you
11 recall?

12 A. Bryan Acornley.

13 Q. And can you give me an estimate of how
14 many years Mr. Acornley was your supervisor?

15 A. At least three to four. I was managed
16 by Mr. Acornley, then I moved over to Michael
17 Knox, and then I moved back to Bryan Acornley
18 again.

19 So total time with Bryan, I don't
20 remember, but I was with Bryan twice.

21 Q. And when you left the company, you
22 were still in the SIU or MCIU team --

23 A. Yeah --

24 Q. -- or unit?

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1 A. -- again, when -- when I left the
2 company, we were in another transition, and I
3 think they were trying to rename us yet again.

4 So I think when I left, it was MCIU,
5 and I'm not sure what they're calling the claim
6 reps now. I think they might be calling them
7 claim specialists in MCIU, but I'm not
8 100 percent sure.

9 Q. Okay.

10 A. Things changed a lot in that
11 department.

12 Q. Other than Mr. Murphy, Mr. Bowles,
13 Mr. Acornley, Mr. Knox, did you have any other
14 supervisors while in the SIU or MCIU?

15 A. None that I recall.

16 Q. Did your supervisors have different
17 approaches to management?

18 A. Yes.

19 Q. And how did they -- well, let me ask
20 you, did your supervisors have different
21 approaches to reporting?

22 A. Well, I had different supervisors at
23 different time frames. So at different time
24 frames, there were different procedures.

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1 Q. Okay.

2 A. So the procedures that Mr. Murphy
3 followed weren't necessarily the same procedures
4 that Mr. Bowles followed because the procedures
5 were different.

6 Q. Okay. Have you ever heard the term
7 "multi-claim investigation"?

8 A. Yes, sir.

9 Q. Have you ever heard the term used at
10 State Farm "projects"?

11 A. Yes, sir.

12 Q. Have you ever heard the term
13 "investigation" used at State Farm?

14 A. Yes, sir.

15 Q. At State Farm, have, to your
16 knowledge, individuals used the terms
17 "multi-claim investigations," "investigations"
18 and "projects" interchangeably and others
19 identify some distinction between those terms,
20 to your knowledge?

21 And if that's not a clear question, I
22 can understand if that --

23 A. That's definitely not a clear
24 question. I think that's confusing.

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1 Q. Let me try that again.

2 A. Okay.

3 Q. We just talked about these three terms
4 that you said you're familiar with, the
5 "multi-claim investigation," "investigation" and
6 "project."

7 And what I'm trying to find out is
8 whether individuals who you've worked with,
9 whether they're your bosses or the individuals
10 that would be in the same level as you, your
11 colleagues, would they have used those terms
12 interchangeably, or would they have seen some
13 type of distinction between those terms?

14 A. Both.

15 Q. Do you believe the terms are
16 interchangeable or do you believe that they're
17 distinguishable?

18 A. Both. It depends on the context of
19 the conversation.

20 Q. Okay. You've worked on -- let me ask
21 you, what's your understanding of a multi-claim
22 investigation?

23 A. Exactly what it says, an investigation
24 involving multiple claims.

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1 Q. Okay. And what do you consider a
2 project?

3 A. A project would be an investigation
4 involving a provider of some type, and that
5 provider would be involved in various claims
6 that are being processed by State Farm.

7 Q. Okay. And have you ever worked on
8 either a multi-claim investigation or a project?

9 A. Yes, sir.

10 Q. You've handled claims at State Farm as
11 well?

12 A. Yes, sir.

13 Q. And have you handled claims while you
14 were in the SIU or MCIU?

15 A. Yes, sir.

16 Q. And have you handled claims in the SIU
17 or MCIU which you considered to be questionable
18 claims?

19 A. Yes, sir.

20 Q. Have you handled claims in which you
21 believe the claimant was not actually in the
22 automobile that was in the claimed accident?

23 A. Yes, sir.

24 Q. Jump-in?

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1 A. Yes, sir.

2 Q. Is that a proper use of the term?

3 A. Loose -- loosely used, yes.

4 Q. Okay. Have you ever investigated
5 claims with possible staged accidents?

6 A. Yes.

7 Q. Have you ever investigated claims
8 where the actual -- where there was an actual
9 accident, but the claimant delayed receiving
10 treatment for a long period of time?

11 A. I guess a long period of time is
12 relevant to who, but the answer to that, the
13 short answer would be yes.

14 Q. Okay. Have you ever investigated
15 claims in which the claimant had extensive claim
16 history?

17 A. Yes.

18 Q. Would you agree with me that not every
19 questionable claim has resulted in a multi-claim
20 investigation?

21 A. Yes.

22 Q. Have you ever investigated a
23 questionable claim or a group of claims and
24 determined that a multi-claim investigation was

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1 not warranted?

2 A. Yes.

3 Q. Can you estimate the number of
4 multi-claim investigations that you've worked
5 on?

6 A. I can't. Too many to -- I spent over
7 20 years in that unit. Too many to even recall
8 at this point.

9 Q. Okay. Now, during the period of time
10 that you have participated in multi-claim
11 investigations, would you have worked for those
12 same supervisors that we've already mentioned --
13 Mr. Acornley, Mr. Bowles, Mr. Murphy and
14 Mr. Knox?

15 A. Yes.

16 Q. During your years working in SIU, did
17 you form any relationships with law enforcement
18 groups?

19 A. Yes.

20 Q. What law enforcement groups have you
21 formed relationships with during the period of
22 time you worked at SIU?

23 A. Pennsylvania Attorney General's
24 Office; the Delaware County District Attorney's

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1 Office; the Federal Bureau of Investigation in
2 Philadelphia; the Federal Bureau of
3 Investigation in Fort Washington, Pennsylvania;
4 the District Attorney's Office in Allentown,
5 Pennsylvania; the District Attorney's Office in
6 Pittsburgh, Pennsylvania; the Federal Bureau of
7 Investigation in Pittsburgh, Pennsylvania; the,
8 I think it was, County Office in Passaic County,
9 New Jersey; and the regional FBI office in
10 Northern New Jersey, to the best of my
11 recollection.

12 Q. Sure. Have you ever brought what you
13 considered to be fraudulent claims to any of
14 those law enforcement groups?

15 A. You -- I think you need to clarify
16 that, because I'm --

17 Q. Sure.

18 A. -- confused. What do you mean, did I
19 ever bring them a claim?

20 Q. Did you ever refer them or discuss
21 with them what you believed to be a fraudulent
22 claim?

23 A. I probably discussed with them. I
24 would not bring them an actual individual claim.

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1 There was a procedure to get a claim to law
2 enforcement.

3 Q. Okay.

4 A. I wouldn't take an individual claim to
5 a law enforcement officer.

6 Q. Sure. Did you ever follow that
7 procedure to ensure that that claim was referred
8 to these law enforcement groups?

9 A. Yes.

10 Q. Did you ever make up a claim of fraud
11 against a provider?

12 A. Can you clarify that?

13 Q. Sure. Did you ever create a claim of
14 fraud, just make it up out of whole cloth or --

15 A. Absolutely not.

16 Q. Why wouldn't you do that?

17 A. Lots of reasons -- it would be utterly
18 ridiculous, it would be against my ethics, it
19 would be illegal, immoral, against my better
20 judgment, flat-out wrong.

21 Q. Do you know of anyone that you worked
22 with at State Farm who ever did that?

23 A. No.

24 Q. Do you know of any gain that anyone

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1 would get working at the company for doing such
2 a thing?

3 A. For just fictitiously making up false
4 allegations?

5 Q. Sure.

6 A. No.

7 Q. If someone had done that, would there
8 be -- to your understanding, would there be
9 anything to lose on working as an employee of
10 State Farm?

11 A. Their employment and their reputation,
12 maybe their freedom.

13 Q. Did your supervisors at State Farm --
14 well, let me ask you this: Did any of your
15 supervisors at State Farm ever suggest to you
16 that you should make up claims of fraud against
17 a provider?

18 A. No.

19 Q. Are you aware of any of the
20 supervisors that you've had suggesting to anyone
21 else at the company that they should make up
22 claims against a provider?

23 A. Never.

24 Q. Did anyone at State Farm ever suggest

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1 to you that you should make up claims of fraud
2 against a provider?

3 A. No.

4 Q. Are you aware of anyone at State Farm
5 has ever suggested to anyone that they should
6 make up claims of fraud against a provider?

7 A. I've never heard anyone say that.

8 Q. Did you ever get rewarded for working
9 on a multi-claim investigation?

10 A. I would have a hard time answering
11 that question right now.

12 Q. Okay. Did you ever receive a monetary
13 payment for working on a multi-claim
14 investigation?

15 A. Same answer.

16 Q. Were there any of your multi-claim
17 investigations that you worked on that resulted
18 in State Farm bringing a lawsuit against a
19 medical provider?

20 A. Yes.

21 Q. Did any of those lawsuits go to trial?

22 A. Yes.

23 Q. How many of the lawsuits that you
24 worked on a multi-claim investigation went to

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1 trial, if you recall?

2 A. Several, but I can't give you an exact
3 number.

4 Q. Okay.

5 A. I apologize.

6 Q. That's fine.

7 The several that went to trial, do you
8 recall any of them -- well, let me ask you, was
9 State Farm successful in bringing those claims
10 to trial?

11 A. When you say "successful in bringing,"
12 do you mean did we prevail at the verdict?

13 Q. Yeah, it was a bad question, but
14 that's what I meant.

15 A. Yes, we won each one.

16 Q. Okay. Did you ever conduct a
17 multi-claim investigation and determine that the
18 provider was not committing fraud?

19 A. Yes.

20 Q. Did you provide that information to
21 your immediate supervisors?

22 A. Yes.

23 Q. And did your supervisors accept your
24 conclusion?

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1 A. Yes.

2 Q. And what happened with those
3 investigations?

4 A. They would simply be terminated or
5 closed.

6 Q. Was there ever an occasion where you
7 conducted a multi-claim investigation and
8 determined that a provider is not committing
9 fraud, but that State Farm went ahead and still
10 sued that provider?

11 A. Regarding myself? Never.

12 Q. Yes.

13 Did you ever conduct an -- or conclude
14 an investigation with the conclusion that you
15 couldn't make a determination whether or not the
16 provider was committing fraud, meaning you
17 couldn't come to a definitive conclusion?

18 A. Yes.

19 Q. Okay. And in those situations, did
20 you close your investigation?

21 A. Yes.

22 Q. And did State Farm accept your
23 conclusion?

24 A. Yes.

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1 Q. In those investigations that
2 ultimately resulted in lawsuits, did you believe
3 that the provider was doing something wrong in
4 each instance?

5 A. During the investigation? Yes.

6 Q. Okay. What I'm referring to is, you
7 said certain investigations actually resulted in
8 going -- in bringing an affirmative lawsuit
9 against those providers?

10 A. Yes, if the affirmative lawsuit was
11 brought, then, yes, throughout the entire case.

12 Q. Okay. Did State Farm ever ask you to
13 lie in those cases?

14 A. No.

15 Q. Did State Farm ever ask you to
16 fabricate allegations?

17 A. No.

18 Q. Did State Farm ever ask you to
19 fabricate evidence?

20 A. No.

21 Q. Do you believe in the cases that
22 State Farm brought lawsuits in which you were
23 involved in that there was sufficient evidence
24 to support bringing a lawsuit?

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1 A. Yes.

2 Q. Do you know an individual by the name
3 of John Costanzo.

4 A. Yes, I do.

5 Q. How long have you known Mr. Costanzo,
6 approximately?

7 A. Fifteen years or longer.

8 Q. Okay. And do you know John to be a
9 liar?

10 A. No, not to me ever.

11 Q. Okay. Is it your understanding that
12 John is generally an honest individual?

13 A. Yes.

14 Q. How would you characterize John as a
15 State Farm employee?

16 A. Good employee, conscientious, hard
17 worker, liked.

18 Q. Do you believe that John would ever
19 manufacture false allegations against a medical
20 provider?

21 A. Personally? I can't believe John
22 would do that.

23 Q. Okay. Has John ever done or said
24 anything that would suggest to you that he's

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1 capable of doing something like that?

2 A. No, sir.

3 Q. Do you have any knowledge -- I asked
4 you earlier about some -- the defendants in this
5 case. Do you have any knowledge about
6 State Farm's investigation into any of those
7 defendants?

8 A. Other than hearing the name Eastern
9 Approach and hearing the name of Dr. Wang, Wang,
10 and the name of Dr. Stavropolskiy, the other
11 name I don't even recall, and knowing that John
12 had an investigation and that there was a case
13 ongoing, I don't know anything about the case.

14 Q. Do you know when John started his
15 investigation?

16 A. I have no idea when he started it.

17 Q. Do you know any facts relating to
18 John's investigation?

19 A. No.

20 Q. Did you ever participate in any
21 meetings in which John's investigation was
22 discussed?

23 A. No, unless it was something general,
24 like the investigation's ongoing or something

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1 innocuous, but nothing regarding any specifics
2 or any facts.

3 Q. Did you have any discussions with me
4 or anyone at Goldberg, Miller & Rubin relating
5 to the investigation into the defendants?

6 A. Never.

7 Q. Did you have any discussions with me
8 or anyone at my law firm relating to a project
9 that was open relating to any of the defendants?

10 A. Never.

11 Q. Did you ever meet with anyone in my
12 office or myself relating to an investigation
13 into any of the defendants?

14 A. Other than saying "hi" to you and
15 meeting with you a few moments before this
16 deposition started, never.

17 Q. And when you spoke with me right
18 before this deposition, that was to tell me
19 about a meeting that you had with Mr. Baratta;
20 correct?

21 A. Yes, to be honest, that Mr. Baratta
22 and I met, and to ask you if you were going to
23 tell me what you were going to ask me, and you
24 basically told me you'll see when I get into the

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1 deposition.

2 Q. And you indicated to me, I guess, when
3 we just spoke a little while ago that
4 Mr. Baratta had, I guess, asked to meet with you
5 recently, and you did sit down with him and
6 answered his questions honestly; correct?

7 A. I did.

8 Q. And also you indicated that previously
9 Mr. Baratta had contacted you and asked to meet
10 with you?

11 A. He had asked if I had any records and
12 asked if I would meet, and I said if I got a
13 deposition notice. And then I eventually did
14 get a subpoena for a deposition notice.

15 Q. Okay.

16 A. I don't remember when I got it,
17 though.

18 Q. There was some questions that
19 Mr. Baratta had submitted to you via email;
20 correct?

21 A. At some point in time, yes.

22 Q. And then you provided written answers
23 to those emailed questions; correct?

24 A. I did, yes.

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1 MR. CASTAGNA: Just mark
2 this as -- call this Denner-1.
3 (Your Email Inquiry of
4 April 5, 2017 Printout marked for
5 identification as Exhibit Denner-1.)

6 BY MR. CASTAGNA:

7 Q. Jeff, I've put in front of you what
8 I've marked as Denner-1, I think nine pages. It
9 says 1 of 8, but I think there's nine pages?

10 A. Yes, sir.

11 Q. Yes, because there's a second 1 of 8
12 after that.

13 A. Yes, sir.

14 Q. Are you aware of any other emails
15 between yourself and Mr. Baratta other than
16 what's been marked as Denner-1?

17 A. No, sir.

18 Q. It's my understanding that you
19 provided those responses to those questions in
20 an effort to, I guess, avoid what we're doing
21 today, which is your deposition; is that
22 correct?

23 A. That was my hope, that if I answered
24 his questions, that these answers would suffice.

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1 Q. Okay. And, unfortunately, we're still
2 here?

3 A. Too bad.

4 Q. Do you know how Mr. Baratta identified
5 you as someone that he wanted to speak with
6 relating to this case?

7 A. I'd assume just because I'm a
8 State Farm employee in the same unit.

9 Q. When you worked at State Farm, had he
10 ever come to your house?

11 A. Yes, he'd come to my house once before
12 in another case to issue me a subpoena and serve
13 me.

14 Q. Did you tell him anything that you
15 believe would lead him to believe that you
16 possessed information relating to the
17 defendants?

18 A. In this case?

19 Q. Yes.

20 A. Not that I know of. I don't even
21 think he asked me about this case.

22 Q. Did he offer to pay you for any
23 information?

24 A. No, absolutely not.

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1 Q. Has he ever done that?

2 A. No.

3 Q. One of the questions that Mr. Baratta
4 asked you in writing and that you responded to,
5 and I'll read the question, was: Would
6 State Farm ever retain counsel to start a
7 multi-claim investigation of a medical provider?

8 And you responded: Yes.

9 A. Where -- I don't know where you're at,
10 Counsel, so --

11 Q. I'm sorry. Sure. I'm just trying to
12 read them to you to make it easier.

13 A. Sure, but I don't know where you're
14 at.

15 Q. Number 7.

16 A. Number 7?

17 Q. Yes.

18 A. Okay.

19 Q. So it says -- so the question was:
20 Would State Farm ever retain counsel to start a
21 multi-claim investigation of a medical provider?

22 And your response was: Yes.

23 What I'm trying to do is get an
24 understanding of what your understanding of what

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1 Mr. Baratta was asking.

2 A. Okay. Well, what -- I don't know what
3 his intention was in his question. I only
4 understand what my interpretation of the
5 question was.

6 Q. Sure, that's fine. Can you provide
7 that to me, what you interpreted it to mean?

8 A. Yes. If I had possibly done an
9 investigation through looking at some claim
10 files and thought there was more that needed to
11 be followed up on and should we potentially
12 start a project, otherwise possibly known as a
13 multi-claim investigation, as you said before,
14 can those words be used interchangeably at
15 times, and would I at times hire counsel at the
16 beginning to say would you help me with this,
17 the answer would be yes.

18 Q. Okay. That's what I thought you
19 meant. I just wanted to clarify that. You've
20 retained different attorneys and different law
21 firms when you've performed investigations while
22 working for State Farm; is that correct?

23 A. Many different attorneys.

24 Q. Okay. And these attorneys have worked

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1 at different law firms?

2 A. Yes, sir.

3 Q. Now, are you familiar with if any of
4 these law firms have groups or teams that to
5 some extent work primarily on
6 special-investigation-type work, whether it be
7 individual SIU cases or affirmative litigation?

8 A. My understanding is all the firms I
9 dealt with in the past had specific teams that
10 were dedicated to handling State Farm special
11 investigations or State Farm project work.

12 Q. Do you know whether those law firms
13 have either identified names or internal names
14 that they use for those groups?

15 A. I know of at least one firm that does.
16 They call it the SIU team.

17 Q. Okay.

18 A. I don't know if every firm calls it
19 the SIU team or the project team, but I would
20 assume that if they call it anything, it would
21 be called the SIU team or the project team,
22 because that's the type of work they're
23 handling.

24 Q. Okay. Do you know the term "line

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1 cases"?

2 A. Yes, sir.

3 Q. Okay. Do you recall a period of time
4 at State Farm when attorneys billed on line
5 cases to a flat-fee program?

6 A. Yes, sir.

7 Q. And do you also recall a period of
8 time at State Farm when attorneys billed
9 individual SIU cases under what was a modified
10 flat-fee program?

11 A. Yes, sir.

12 Q. And do you ever recall billing on
13 investigations, multi-claim investigations,
14 projects or affirmative litigation moving to a
15 flat-fee program?

16 A. Whoa, I've got to think about that for
17 a moment. Do you mind?

18 Q. Sure. Take your time.

19 A. I know there was some discussion
20 towards the end of my State Farm career about
21 having SIU work moved to a flat -- to a
22 flat-SIU-fee program. I don't know if it was
23 ever implemented or not before I left or if I'm
24 remembering it because I remember talking to

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1 ex-co-workers after I left.

2 I do remember something about, you
3 know, specific attorneys being able to bill
4 outside the normal two channels, meaning one
5 channel being line -- line work, the next being
6 SIU-fee work, the third being project or MCIU
7 work.

8 Q. Okay.

9 A. But I don't know if it was actually
10 ever implemented or not.

11 Q. Sure. If I could back up for a
12 second. You said that you thought that maybe
13 there was potential that it might change.

14 During the period of time that you
15 worked in SIU at State Farm, do you ever recall
16 a period of time where the attorneys did not
17 bill in the multi-claim investigation, slash,
18 project, slash, affirmative litigation on an
19 hourly basis?

20 A. No, the MCIU work, slash, project work
21 was billed on an hourly basis.

22 Q. Okay. Mr. Baratta has submitted
23 another written question. And I don't have the
24 number, but I should be able to find it for you.

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1 It says: If counsel submitted bills
2 to you in connection with a medical provider
3 investigation at their RICO-investigation-hourly
4 rate, would that indicate that the multi-claim
5 investigation they were assisting with was an
6 investigation into suspected RICO activity?

7 And your response was: Possibly.
8 Counsel decides if RICO applies, not the
9 investigator.

10 It looks like 8?

11 A. May I read that question to myself?

12 Q. Sure. Absolutely.

13 A. Thank you.

14 Okay. I've read it.

15 Q. Do you know what RICO stands for?

16 A. Racketeering Influenced and Corrupt
17 Organizations Act.

18 Q. Did you ever tell counsel to look for
19 RICO activity?

20 A. Never. That's -- counsel advises us
21 what statutes apply, what legal precedents
22 apply, what laws apply, what -- what doesn't
23 apply, and we have no say whatsoever.

24 Q. Do you know what it means if counsel

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1 placed the words "RICO investigation hourly" at
2 the top of a bill?

3 A. I assume to identify that they're
4 billing at a RICO-hourly rate, so people know
5 that it's being billed hourly.

6 Q. Do you ever recall seeing that on any
7 bill?

8 A. Yes.

9 Q. What bill have you seen it on?

10 A. I believe I've seen it on various
11 bills from various counsel.

12 Q. Have you ever worked on a case in
13 which a RICO count was brought?

14 A. Yes.

15 Q. Do you remember the names -- well, and
16 I don't want to talk about projects or
17 multi-claim investigations, but any affirmative
18 litigation --

19 A. Yes.

20 Q. -- where a RICO case -- claim was
21 brought?

22 A. Yes.

23 Q. Which ones were known as a RICO claim,
24 if you recall?

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1 A. I believe a case named State Farm
2 versus Singer, et al. was a RICO case, I believe
3 a case titled State Farm versus -- I don't
4 remember all the defendants. Sam Fishman, and
5 there were a bunch of other defendants, I
6 believe that was -- had a RICO count involved in
7 it.

8 State Farm had a case involving a
9 gentleman by the named of Michael Alston. I
10 believe we had a RICO count, but then ended up
11 dismissing the RICO count.

12 I believe we had a case involving
13 State Farm versus Red Lion Medical Center,
14 et al. that had -- original complaint had a RICO
15 count. Whether it stayed or not, I have no
16 recollection.

17 I think there were several others that
18 originally had RICOs. Whether the RICOs stayed
19 in or were eventually removed either by argument
20 or voluntary rewriting of the complaint, I don't
21 know, but sometimes we plead RICO, sometimes we
22 don't. That's something counsel advises us,
23 whether we're going to, whether we're not.

24 Q. Okay.

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1 A. I have no legal expertise in that
2 matter whatsoever.

3 Q. Mr. Baratta submitted the written
4 question -- let me find it for you -- number 9:
5 Is the statute of limitations something SIU/MCIU
6 investigators are sensitive to when conducting a
7 multi-claim investigation?

8 And you responded: Yes. And you
9 further explained, if suit is to be filed, one
10 needs to know what the statute date is.

11 Tell me if you see that. It's
12 number 8.

13 A. No, it can't be number 8.

14 MR. BARATTA: No, it's
15 actually number --

16 THE WITNESS: Because we
17 just looked at 8.

18 MR. CASTAGNA: I'm sorry.

19 MR. BARATTA: -- 9 and 10.

20 BY MR. CASTAGNA:

21 Q. Nine and 10?

22 A. Nine and 10. Okay. Let's go to 9
23 first, please. Is the statute of limitations
24 something that investigators are sensitive to?

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1 Yes.

2 Well, of course, I need to be
3 sensitive to what the statute date is. I need
4 to know that if I'm conducting a multi-claim
5 investigation or a project investigation, and
6 one of the possible outcomes of it is potential
7 litigation, then I need to know if I have any
8 statutes that I need to worry about.

9 So I obviously need to be aware of
10 what my statutes are or are not.

11 Q. And --

12 A. And I would rely on counsel to advise
13 me of that.

14 Q. Okay.

15 A. I wouldn't decide what the statute
16 dates are. Counsel would advise me of that.

17 Ten, why is the statute of limitations
18 something MCIU investigations are sensitive to?
19 Exactly what the answer says, because if you're
20 going to file suit, you need to know what the
21 last possible date is that you have; otherwise,
22 you don't have a case.

23 Q. Okay.

24 A. Just like in any affirmative action or

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1 any lawsuit.

2 Q. All right. Let's go on to the next
3 one. Mr. Baratta also submitted the written
4 question -- let me see if I can find it before I
5 start asking you questions, so you can maybe
6 read along. I think it's 11. Yes.

7 So if you conducted a review of
8 multi-claims concerning -- of a medical provider
9 in which you also retained counsel to assist in
10 2011, dash, 2012, would you have created any
11 kind of reports concerning the review being
12 conducted?

13 And you responded: Yes.

14 Now, Mr. Baratta followed that
15 question up with: What reports would you have
16 created, and why?

17 And you responded: Possibly a report
18 summarizing results of the claims review,
19 possibly an initial report, an inventory of
20 claims reviewed.

21 So looking at the scenario that
22 Mr. Baratta outlined in his question, your
23 response doesn't appear to be definitive, as you
24 used the word "possibly." Would you agree with

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1 my understanding that your answer is not
2 definitive?

3 A. Possibly means possibly.

4 Q. Okay. Is it possible you would not
5 prepare a report summarizing the results of the
6 claim review?

7 A. Well, I would have -- I would have
8 prepared something, just not sure what I would
9 have prepared.

10 Q. Okay.

11 A. That's what that means.

12 Q. So your understanding is you would
13 have prepared something, but not necessarily a
14 report?

15 A. Correct. If a -- when I use the term
16 "report," we had at that time, 2011, 2012, we
17 had what we called formal reports, which were
18 standardized reports that had a complete outline
19 to them that we were supposed to follow.

20 I may not have completed one of those
21 standardized reports that had a complete
22 outline, but I would have prepared something
23 that I could have referenced back to.

24 And I would have had to prepared some

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1 type of an inventory of some kind, even if it's
2 just a list on a piece of paper of the claims I
3 reviewed; otherwise, later in life, how would I
4 know what claims I reviewed? Because I don't
5 want to duplicate the effort, and I don't want
6 anybody else on my team to duplicate effort
7 later in life.

8 We were very big on that, not
9 duplicating each other's work. It's a waste of
10 time.

11 Q. So let me give you a different
12 scenario than the one that Mr. Baratta, I guess,
13 outlined. So let's look at this scenario.

14 So while meeting with your counsel,
15 not associated with that -- with anything at
16 this point in time, you're meeting with counsel
17 for something completely different.

18 A. Okay.

19 Q. And an attorney brings to your
20 attention an issue that they saw relating to
21 certain medical records that the attorney
22 reviewed while defending a State Farm insured.

23 A. In any particular --

24 Q. In a particular --

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1 A. Unfortunately, I have to clarify. You
2 mean in a particular claim, not a series of
3 claims?

4 Q. Exactly, in any particular claim.

5 A. Okay.

6 Q. You then ask the attorney to review
7 several files that counsel had at their office
8 to see if the issue was seen in those files as
9 well.

10 You also then decide to look at a few
11 recent files. And, in doing so, you determined
12 that those files -- well, I'm sorry. You
13 determined that this was not seen in those more
14 recent files and determined that it wasn't an
15 ongoing issue that was brought to your
16 attention, and, as a result, you did nothing
17 further but paid for your attorney's time.

18 So under those circumstances that I
19 just gave you that scenario, would you have
20 prepared an initial report?

21 A. Probably not.

22 Q. Would you have prepared any type of
23 document summarizing your lack of findings?

24 A. I would have prepared something to

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1 indicate which files my attorney reviewed and
2 which files I reviewed.

3 Q. Would you have prepared an inventory
4 of the claims reviewed?

5 A. Just a list. I don't -- the word
6 "inventory" is such a -- from a claim
7 individual's standpoint, the word "inventory" is
8 a bad word to use. Inventory refers to files
9 that -- claims that someone has assigned to them
10 and is working.

11 So when you say, to a claims
12 professional, inventory, you're actually
13 referring to something that's been assigned to
14 somebody or something that's pending or
15 something that someone's working on.

16 So to say to someone such as myself
17 claim inventory, that refers to something else.

18 Q. Right.

19 A. I wouldn't have prepared an inventory
20 saying I'm working on those files, because I'm
21 not working on them.

22 Q. Right.

23 A. But I would have prepared a -- for
24 lack of a better term, not meaning derogatory, a

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1 list, a document, something that just says
2 reviewed the following files.

3 Q. Uh-huh.

4 A. Just so there's no duplication of
5 effort later. That's the only reason.

6 Q. Right. Would it surprise you if one
7 of your colleagues who would have done -- who
8 would have worked on the same scenario that I
9 just identified did not prepare a list?

10 A. I can't speak for my colleagues.
11 Everybody's different.

12 Q. Okay. There was another question that
13 Mr. Baratta submitted, and let's see if I can
14 find the question. It's number 37, at the
15 top -- there you go:

16 In your experience at State Farm, was
17 finding medical provider projects something
18 State Farm expected its SIU/MCIU investigators
19 to do?

20 And you responded: Yes.

21 My first question is, what did you
22 understand Mr. -- Mr. Baratta's question to
23 mean?

24 A. I expected that to mean was the MCIU

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1 team put in place to look for and ferret out
2 medical provider fraud.

3 And my answer was yeah. That was what
4 I was hired to do.

5 Q. Did State Farm expect you to make up
6 facts supporting medical provider projects?

7 A. No.

8 Q. Did State Farm expect you to
9 manufacture evidence to support a medical
10 provider project?

11 A. No.

12 Q. Mr. Baratta also submitted the written
13 question -- let's see if I can find it on here.
14 I think it's 38: Is the job performance of an
15 SIU/MCIU investigator -- investigator evaluated
16 in part based on how many medical provider
17 projects they conduct?

18 And you responded: Yes.

19 Can you explain how job performance is
20 tied to how many provider projects that you
21 conduct?

22 A. Well, the -- part of my -- not all,
23 part of my evaluation when I would sit down with
24 management was, how much work am I doing, how

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1 many cases am I handling, what's the quality of
2 those cases, what's the quality of the work that
3 I'm doing, the feedback that my boss gets from
4 the people I interact with, meaning people in my
5 own team, team managers in the line, other team
6 managers in SIU, they would never say it, but
7 I'm assuming defense counsel as well.

8 So part of it was the workload, since
9 that's what we did for a living, then, yes, of
10 course it was, project. The more work you do,
11 the more -- the busier you are.

12 Q. You stated to Mr. Baratta's written
13 questions that you did not participate in any
14 multi-claim investigation or project concerning
15 Eastern Approach or Aquatic Therapy of
16 Chinatown. Is that an accurate answer?

17 A. That was very accurate.

18 Q. And you also stated that you did not
19 participate in any meetings in which any
20 multi-claim investigation or project into
21 Eastern Approach or Aquatic Therapy was
22 discussed. Was that an accurate answer?

23 A. Yes, it was.

24 Q. And you stated to Mr. Baratta's

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1 written questions that you knew nothing about
2 the accusations made by State Farm against
3 Eastern Approach and Aquatic Therapy. Was that
4 an accurate answer?

5 A. I don't know what the accusations are.

6 Q. Since you provided your written
7 responses to Mr. Baratta, have you acquired any
8 additional information or any information at all
9 relating to Eastern Approach, Aquatic Therapy,
10 Dr. Wang, Dr. Stavropolskiy into this litigation
11 or any investigation into defendant's
12 activities?

13 A. None.

14 Q. Have you ever had communications with
15 any of the defendants?

16 A. Ever?

17 Q. That you recall.

18 A. I'm asking for a clarification.

19 Q. Yes, ever.

20 A. Dr. Stavropolskiy.

21 Q. And when would you have spoken to
22 Dr. Stavropolskiy?

23 A. (No response.)

24 Q. Let me ask you a different question.

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1 MR. BARATTA: Well, can we
2 get an answer to that one?

3 MR. CASTAGNA: No, I want to
4 ask a different question.

5 BY MR. CASTAGNA:

6 Q. When you spoke to Dr. Stavropolskiy,
7 was it in relation to work at either Eastern
8 Approach or Aquatic Therapy?

9 A. No.

10 Q. Was he working somewhere else at the
11 time?

12 A. Yes.

13 MR. CASTAGNA: I'll turn you
14 over to Mr. Baratta to ask some
15 questions.

16 THE WITNESS: Do you mind if
17 I take a quick break and use the
18 restroom?

19 MR. CASTAGNA: Absolutely.

20 (At this time, a brief
21 recess was taken.)

22 BY MR. BARATTA:

23 Q. Mr. Denner, I want to follow up on
24 that last bit of testimony that you gave about

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1 some prior interaction you had with
2 Dr. Stavropolskiy. What were you referring to?
3 A. I remember that I met
4 Dr. Stavropolskiy years ago.
5 Q. In what context?
6 A. At a clinic in Northeast Philadelphia.
7 Q. Were you conducting an investigation?
8 A. Yes, sir.
9 Q. On behalf of State Farm?
10 A. Yes, sir.
11 Q. Into the treatment provided by
12 Dr. Stavropolskiy?
13 A. Yes, sir.
14 Q. And was there a project?
15 A. Yes, sir.
16 Q. What was the name of the project?
17 A. I have no idea.
18 Q. What was the name of the facility?
19 A. I have no idea.
20 Q. It was in Northeast Philadelphia, you
21 said?
22 A. Yes, sir.
23 Q. Was it called Rejuvenation?
24 A. Dr. -- or Dr. Mr. Baratta, I've got

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1 to be honest with you. I really -- I might be
2 able to rack my brain about it for a little
3 while and come up with an answer, but sitting
4 here right now, I do not remember the name of
5 the clinic. I just remember Dr. Stavropolskiy.

6 It was a very unusual name, so I
7 remember the name.

8 Q. And did you actually speak directly
9 with Dr. Stavropolskiy in the course of your
10 investigation?

11 A. Yes.

12 Q. And in a deposition? In an interview?
13 How did you do it?

14 A. Once on the telephone, that I
15 remember, briefly, and once at the clinic.

16 Q. And why were you at the clinic?

17 A. Conducting an investigation.

18 Q. Do you remember what the suspicion of
19 fraud was in that project?

20 MR. CASTAGNA: Object to the
21 form of the question.

22 You can answer.

23 THE WITNESS: I'm not
24 100 percent sure, but I can recollect

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1 to the best of my ability, if you
2 would like.

3 BY MR. BARATTA:

4 Q. Please.

5 A. I believe it was performing billing
6 for services not rendered.

7 Q. And was Dr. Stavropolskiy suspected to
8 be billing for services not rendered?

9 MR. CASTAGNA: Objection to
10 the form of the question.

11 THE WITNESS: Is it okay to
12 answer?

13 BY MR. BARATTA:

14 Q. Yes.

15 A. I don't know if it was
16 Dr. Stavropolskiy or the clinic itself.

17 Q. But it was a clinic that
18 Dr. Stavropolskiy worked at?

19 A. Yes.

20 MR. CASTAGNA: Objection to
21 the form of the question.

22 BY MR. BARATTA:

23 Q. And did you create reports in
24 connection with that project?

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1 A. Some kind of report. I don't know
2 what.
3 Q. Who was your supervisor at that time?
4 A. David Murphy.
5 Q. And was there a litigation that was
6 filed?
7 A. No.
8 Q. Was counsel associated with that
9 project?
10 A. I believe there was.
11 Q. Do you know who it was?
12 A. I don't know the name of the attorney.
13 Q. Okay. Do you know the name of the
14 firm?
15 A. I believe it was Britt, Hankins
16 Schaible & Moughan.
17 Q. Was Jim Moughan involved?
18 A. I couldn't tell you, sir. There were
19 a lot of attorneys in that firm back then that
20 were handling cases.
21 Q. Did you --
22 A. Mr. Schaible, Mr. Moughan, Mr. Wall.
23 Q. Sorry. Did you conduct surveillance
24 in that project?

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1 A. I have no way of knowing that sitting
2 here today.

3 Q. Well, if we -- if you conducted
4 surveillance, would there be reports associated
5 with it?

6 A. Yes.

7 Q. And would you have done it yourself,
8 or would you have hired someone else to do it?

9 A. No, we would have hired an outside
10 source.

11 Q. And who would you have hired,
12 generally?

13 A. Back then, the only people that we
14 were using was a gentleman by the name of Marty
15 Lyons, L-Y-O-N-S, who, I believe, has been out
16 of business for many, many years.

17 Q. And do you know, was -- was there any
18 sort of settlement reached with the doctors in
19 that project?

20 A. No recollection.

21 Q. Were there depositions taken?

22 A. Again --

23 MR. CASTAGNA: Objection to
24 the form. I object to the form of

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1 that question.

2 You can answer.

3 THE WITNESS: I don't even

4 know if there was litigation filed.

5 To the best of my recollection, there

6 was no litigation filed.

7 So whether there was

8 depositions in underlying cases, I

9 don't know, but I would doubt there

10 would had been formal depositions of

11 the actual providers in relation to

12 the case because I don't recollect any

13 affirmative action being filed.

14 BY MR. BARATTA:

15 Q. Are depositions in underlying cases

16 used to help conduct projects?

17 MR. CASTAGNA: Objection to

18 the form of the question.

19 THE WITNESS: We -- as part

20 of conduct -- as part of investigating

21 individual files, we might do

22 depositions of plaintiffs, depositions

23 of witnesses, depositions of doctors

24 that do treatment on those plaintiffs

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1 or insureds or witnesses involved,
2 yes.

3 BY MR. BARATTA:

4 Q. But as you're doing them in the files,
5 are they also geared or in any way focused on
6 helping gain information which is helpful to the
7 overall project?

8 MR. CASTAGNA: Objection to
9 the form of the question.

10 THE WITNESS: It might be
11 helpful in the long run to the project
12 if it's about the same provider. I
13 mean, it might have -- we might be
14 able to eventually use it in the
15 project file or the -- or MCIU
16 investigation, whatever you want to
17 call it.

18 Again, we're -- we talked
19 before about using things
20 interchangeably, but the focus of the
21 deposition would be that particular
22 case, and the facts asked would be
23 about that particular case.

24 BY MR. BARATTA:

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1 Q. In the projects in which
2 Dr. Stavropolskiy worked at the facility that
3 you investigated, was there a project file
4 opened?

5 MR. CASTAGNA: Objection to
6 the form of the question.

7 THE WITNESS: I believe
8 there would have been.

9 BY MR. BARATTA:

10 Q. And was there a lead file in that
11 case?

12 A. Back then I don't believe lead files
13 even existed.

14 Q. What materials would have been in the
15 project file back then?

16 A. Any reports that would have been
17 created for management, if investigation was
18 conducted regarding surveillance, there would be
19 copies of whatever surveillance reports were
20 turned over to us.

21 If a surveillance disc containing
22 photographs or footage was sent to State Farm,
23 then a copy of that would have been placed in
24 the file.

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1 If any outside source was used to
2 conduct background information, you know,
3 general background information, where did
4 somebody get their license, how long had they
5 been practicing, name of employees, any generic
6 background, if a report had been produced or
7 requested, that would be in the file.

8 If any statements were obtained during
9 the course of the investigation, statements of
10 insureds, claimants, witnesses, employees,
11 ex-employees, whoever that statement would be
12 of, copies of that statement would actually be
13 contained within the file.

14 Back then, we actually used an outside
15 source. We would take the statement, send the
16 tape out to be transcribed. Transcribed report
17 would come back, and then it would be placed in
18 the file.

19 Q. Did you take a statement from
20 Dr. Stavropolskiy?

21 A. To my recollection, not that I recall,
22 no.

23 Q. When you went to the clinic, did you
24 make a report of your -- strike that.

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1 Did you do a clinic inspection?

2 MR. CASTAGNA: Objection to
3 the form of the -- excuse me --
4 question.

5 THE WITNESS: I don't -- I
6 don't know how to even answer that
7 question. It was at the clinic, I
8 remember that. Did I walk around the
9 clinic? I'm sure I did.

10 Would you consider that a
11 clinic inspection? I don't know if I
12 would consider that or not. I mean,
13 we're talking 15 years ago maybe, ten
14 years ago, more. I don't know. I
15 don't know if that's considered a
16 clinic inspection or not when you show
17 up and introduce yourself and ask if
18 you could speak to the doctor.

19 BY MR. BARATTA:

20 Q. Why would you do that?

21 A. Back then, that was protocol. Things
22 are different over time. Just what we do when I
23 first left was completely different from what we
24 did two years before I left, which was

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1 completely different from what I did ten years
2 ago, which was absolutely different from what I
3 did 15 years ago.

4 Q. But --

5 A. So things change over time.

6 Q. When you were doing this investigation
7 at the facility where Dr. Stavropolskiy worked,
8 it was part of the protocol to go to the clinic
9 and actually talk to the doctor?

10 A. Yes, it --

11 MR. CASTAGNA: Objection to
12 the --

13 THE WITNESS: -- was.

14 MR. CASTAGNA: -- form of
15 the question.

16 BY MR. BARATTA:

17 Q. Was that something that State Farm
18 directed you to do, or was that something you
19 felt was just a good investigative technique?

20 MR. CASTAGNA: Objection to
21 the form of the question.

22 THE WITNESS: I don't know
23 whose decision it was. It was just
24 standard procedure for the people in

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1 my unit, when we had an investigation,
2 to go to the clinic.

3 BY MR. BARATTA:

4 Q. And did --

5 A. And whether --

6 Q. I'm sorry.

7 A. Whether we as a collective group
8 decided that was good investigative technique or
9 whether management said we would like you to do
10 this, I have no recollection.

11 Q. And did that investigative technique
12 change?

13 A. Over time, yes.

14 Q. When?

15 A. I have no idea.

16 Q. Do you know why?

17 A. No.

18 Q. Was it -- did you find it to be a
19 valuable source of information to actually go to
20 the clinic and talk to the doctor?

21 A. Personally?

22 Q. Yeah.

23 A. I did.

24 Q. Why?

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1 A. Because I found that if you're -- talk
2 to people and ask questions, you get answers.

3 Q. Makes sense. Do you know why
4 State Farm stopped having you do that?

5 A. No idea.

6 Q. Go back to some of the other things
7 that you had said. You said that you had been
8 called as an expert witness at various times?

9 A. Yes, sir.

10 Q. In what?

11 A. (No response.)

12 Q. Expert in what?

13 A. Insurance, claim handling.

14 Q. And in what context have you been
15 called as an expert?

16 A. I've been called as a witness on
17 behalf of the Federal Government to testify at
18 trial, criminal trial of individuals; I've been
19 called as a witness to testify at grand juries
20 on behalf of the government; I've been asked to
21 testify in Delaware County on behalf of the
22 District Attorney's Office; I've been asked to
23 testify at grand juries in Pennsylvania on
24 behalf of the State Attorney General's Office

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1 regarding insurance matters.

2 Q. Those are all criminal cases?

3 A. No -- well, wait a minute. Yes. And
4 I've also testified in civil cases.

5 Q. As an expert?

6 A. Well, as State Farm's designee.

7 Whether State Farm is going to say I was their
8 expert or not, you would have to ask State Farm.

9 I was held up as State Farm's witness to testify
10 on behalf of State Farm.

11 Q. Do you remember the names of any of
12 the criminal cases that you actually testified
13 in in federal court?

14 A. United States Government versus
15 Michael Alston.

16 Q. A-L-S-T-O-N?

17 A. Yes. As far as the ones in Delaware
18 County, I can't remember, and as far as grand
19 juries, I'm not --

20 Q. Well, don't tell me that.

21 A. -- going to discuss any grand juries
22 at this time.

23 Q. The case against Michael Alston, was
24 that in the Eastern District of Pennsylvania?

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1 A. I believe it was. And I don't know it
2 was captioned United States versus Michael
3 Alston. I just know he was a defendant.

4 Q. I think that was one of the cases you
5 mentioned was a RICO case when you had testified
6 earlier?

7 A. I said I thought we had applied RICO.
8 I couldn't remember.

9 Q. Was there a lawsuit filed by
10 State Farm against Mr. Alston as well?

11 A. I believe there was.

12 Q. And was that a federal case?

13 A. I don't remember if we filed that in
14 federal court or if we filed that in
15 Philadelphia Court of Common Pleas.

16 Q. You said that there was a procedure to
17 get claims to law enforcement?

18 A. Yes, sir.

19 Q. What is that procedure or what was
20 that procedure?

21 A. What was the time frame you're talking
22 about? Because that procedure changed over
23 time.

24 Q. If we can, let's talk 2010, 2011,

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1 2012.

2 MR. CASTAGNA: Object to the
3 form of the question.

4 THE WITNESS: You were
5 required to sit and discuss the file
6 with your management to make sure that
7 your management agrees that it is a
8 file that should go to law
9 enforcement.

10 You're then required to fill
11 out a law enforcement referral form,
12 which is a form created by State Farm.

13 You were then required to
14 contact the National Insurance Crime
15 Bureau, NICB, advise NICB that you
16 have a file that you would like to be
17 referred to law enforcement. NICB
18 would then send you a request to
19 obtain a copy of that file.

20 You would then have to file
21 a photocopy, all contents of the file.
22 Then you would send the law
23 enforcement referral form, which would
24 identify why the case was being

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1 referred and where you wanted the case
2 to be referred to, which law
3 enforcement agency, what the subject
4 matter was.

5 And you would then take that
6 form and the photocopies and send them
7 off to NICB with their request forms,
8 so that they know why it's coming in,
9 and then they would take care of
10 getting it to the appropriate law
11 enforcement authorities through
12 whatever channels they use, and that's
13 only after you received your
14 management's approval to do so.

15 BY MR. BARATTA:

16 Q. And what was your training with
17 respect to when a claim should be referred to
18 law enforcement?

19 MR. CASTAGNA: I'm going to
20 object to the form of the question.

21 THE WITNESS: There was
22 really no formal training as to when
23 one should and when one shouldn't.

24 It was more or less if you

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1 knew that there was an outside
2 investigation that involved law
3 enforcement because you received
4 notice from NICB or a law enforcement
5 update saying we're looking for files,
6 anybody has one, we'd like it, then
7 you knew that they would be interested
8 in this file.

9 So you would say, Hey, I
10 have one. I'll have to get it through
11 the proper channels.

12 Maybe there was one that you
13 just had ironclad information. Maybe
14 somebody confessed to a jump-in or
15 maybe somebody confessed to going out
16 and staging an automobile accident.

17 And you would say to your
18 boss, Hey, this is, you know, a good
19 one to refer to District Attorney's
20 Office. We now have two recorded
21 statements where these individuals
22 confessed that their cousin put them
23 up to staging an accident.

24 Or their cousin or whoever

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1 said, you know, I had an accident the
2 other night. Nobody was in the car.
3 Do you want to pretend you were in it?
4 And these people could prove
5 that they were in Ocean City,
6 New Jersey during the time of the
7 accident. So we have ironclad
8 evidence that, you know, this is an
9 absolute fraud.

10 This would be a really good
11 case to refer to law enforcement. Get
12 your manager to agree and go through
13 all the proper channels.

14 Everybody was different.
15 There was no this absolutely goes to
16 law enforcement, this doesn't.

17 I would not refer cases to
18 law enforcement unless I was in my own
19 mind 100 percent convinced it was a
20 fraudulent case.

21 BY MR. BARATTA:

22 Q. What if you were 100 percent convinced
23 that a medical provider in a case in a claim was
24 providing fraudulent medical care? Wouldn't

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1 that be something that should be referred to law
2 enforcement?

3 MR. CASTAGNA: Object --

4 THE WITNESS: It might be.

5 MR. CASTAGNA: Object to the
6 form of the question. I'm sorry. I
7 didn't hear your question -- I mean,
8 I'm sorry, I didn't hear your answer.

9 THE WITNESS: It might be.

10 BY MR. BARATTA:

11 Q. Why wouldn't it be?

12 A. Well --

13 MR. CASTAGNA: Objection to
14 the form of the question.

15 THE WITNESS: -- you would
16 need evidence that that particular
17 file had evidence of insurance fraud
18 in it.

19 Law enforcement deals with
20 criminal activity, and the burden of
21 proof in criminal is totally different
22 from the burden of proof in civil.
23 And law enforcement in the past has
24 always made it clear to insurance

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1 companies, you know, if you suspect
2 something, that's one thing, but we
3 don't want 10,000 cases across our
4 desk.

5 We have very limited
6 resources. And every time you think
7 something might be wrong in a file,
8 law enforcement can't just start
9 investigating.

10 But if you have hard
11 evidence of fraud, sure, we would like
12 to take a look at the file, but if you
13 have, well, I'm really sure he did or
14 didn't get all the treatment, that's
15 just not -- that doesn't meet anywhere
16 near close to the burden of proof in a
17 criminal case. That's not the kind of
18 thing that a law enforcement officer
19 can even investigate.

20 But if somebody says, Hey, I
21 know I wasn't in the car, I was in
22 Ocean City, New Jersey that day, I can
23 prove it, that's clear -- clear case
24 of insurance fraud. So that's why I

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1 said it all depends what the
2 circumstances are in the file.

3 BY MR. BARATTA:

4 Q. Well, in a project where you're doing
5 a multi-claim investigation of a medical
6 provider --

7 A. Uh-huh.

8 Q. -- and you say -- say you reached the
9 conclusion that all of the treatment being
10 rendered at this medical provider is fraudulent
11 because it's being rendered pursuant to, say, a
12 predetermined treatment protocol, and you were
13 100 percent convinced that that was happening,
14 would you then refer those files to law
15 enforcement?

16 MR. CASTAGNA: I'm going to
17 object to the form of --

18 THE WITNESS: Possibly.

19 MR. CASTAGNA: -- the
20 question.

21 BY MR. BARATTA:

22 Q. Would there be any reason not to?

23 MR. CASTAGNA: Objection to
24 the form of the question.

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1 THE WITNESS: Again, my past
2 experience shows me that law
3 enforcement argues that their burden
4 of proof in a criminal case is totally
5 different than the civil burden of
6 wrongdoing.

7 So what we've -- an
8 insurance company might feel civilly
9 is inappropriate treatment or
10 inappropriate billing, inappropriate
11 documentation for the codes being used
12 may not be clear and convincing
13 evidence of a criminal act.

14 I'm not a lawyer. I don't
15 know what the difference is. That's
16 why I said possibly.

17 That might be something I
18 would want to sit down with an NICB
19 agent who has a lot more experience in
20 dealing with law enforcement and say
21 is this something law enforcement
22 would or wouldn't be interested in.

23 BY MR. BARATTA:

24 Q. Is a report or was a report to the

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1 NICB only made in order to make a report to law
2 enforcement?

3 A. No.

4 Q. So what other circumstances would you
5 make a report to the NICB of a claim or a number
6 of claims?

7 MR. CASTAGNA: Objection to
8 the form of the question.

9 THE WITNESS: You would fill
10 out the law enforcement form only if
11 you were sending a specific file to
12 law enforcement.

13 You could refer cases, an
14 individual case, a series of cases,
15 multiple claims to NICB anytime that
16 you believed that it was evidence of
17 fraud.

18 BY MR. BARATTA:

19 Q. And would you do that?

20 A. Yes.

21 Q. And --

22 A. Would I, meaning Jeff?

23 Q. Yes, you, Jeff.

24 A. Yes, I would do that.

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1 Q. And was that -- was it your
2 understanding that that's what State Farm
3 expected you to do?

4 A. State Farm expected us to refer cases
5 that State -- that the investigator and the
6 management thought were appropriate to send to
7 NICB to NICB.

8 Q. The ones that were appropriate to send
9 to NICB were the ones where you suspected fraud?

10 MR. CASTAGNA: Objection to
11 the form of the question.

12 THE WITNESS: Yes.

13 BY MR. BARATTA:

14 Q. So you didn't have to have that
15 ironclad, beyond-a-reasonable-doubt belief? You
16 just had to have a suspicion of fraud, and that
17 was a basis to refer it to the NICB?

18 A. Well --

19 MR. CASTAGNA: Objection to
20 the form --

21 THE WITNESS: -- not
22 suspicion.

23 MR. CASTAGNA: -- of the
24 question.

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1 THE WITNESS: You actually
2 had to have evidence into your file of
3 fraud, just like you wouldn't send it
4 to counsel and ask if there's -- well,
5 strike that.

6 You wouldn't expect counsel
7 to say let's file affirmative action
8 simply based on suspicion. There
9 would have to be evidence of whatever
10 counsel says we're filing for.

11 There's all different things
12 I've seen in complaints. Not all of
13 them are the same. They're never
14 cookie cutter. One case involves, you
15 know, X, Y and Z, the next case
16 involved A, B, C, the next case
17 involved A, X, Y.

18 Each case is different.
19 Each case is on the facts and the
20 burden of the case, but there's always
21 evidence to support whatever the
22 allegations are in the complaint.

23 Same thing to NICB. If
24 you're going to refer a series of 10,

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1 15, 20, 30, 50 files to NICB, there
2 needs to be evidence in those files of
3 what you're alleging when you send it
4 to NICB, not just I think it's there.
5 You need to conduct an investigation.

6 And that investigation,
7 whether it be statements,
8 surveillance, review of files,
9 interviews with patients, interviews
10 with ex-employees, whatever your
11 investigation is, needs to be
12 evidence, and you need to get all that
13 evidence to NICB as well.

14 NICB doesn't just want a
15 whole bunch of files with somebody
16 saying I think there's something here.
17 They want to see the evidence.

18 BY MR. BARATTA:

19 Q. Did you ever have a project
20 involving -- against a medical provider where
21 you had a lot of files that you had looked at
22 and had formed a very strong belief that there
23 was fraud being committed by the medical
24 provider, and you thought you had evidence of it

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1 in the files, would you send those files during
2 the course of the project to the NICB?

3 MR. CASTAGNA: Objection to
4 the form of the question.

5 THE WITNESS: I'm confused,
6 because it sounded like you said would
7 you, have you. Would you and have you
8 are two different things.

9 BY MR. BARATTA:

10 Q. Would you?

11 A. Would I?

12 Q. Yes.

13 MR. CASTAGNA: Objection to
14 the form.

15 THE WITNESS: Would I? Yes.

16 BY MR. BARATTA:

17 Q. And is there any reason during the
18 course of the project not to send files that you
19 believe fraud was occurring in to the NICB?

20 MR. CASTAGNA: Objection to
21 the form of the question.

22 THE WITNESS: I can't answer
23 that. Every investigation is totally
24 different. So I'm going to have to

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1 say it all depends on -- on the
2 particular case, and I would have to
3 see what my case is, what the evidence
4 in my case is, how many files are
5 involved. I can't just speculate on a
6 what-if case.

7 BY MR. BARATTA:

8 Q. Mr. Castagna asked you about whether
9 anyone had ever made a false accusation of
10 fraud.

11 Have you ever in your lifetime read or
12 heard about someone having been convicted of a
13 crime they didn't commit?

14 A. Sure.

15 MR. CASTAGNA: Objection to
16 the form of the question.

17 BY MR. BARATTA:

18 Q. And in any of those circumstances do
19 you think the police officers who made the
20 arrest actually believed they had the right guy?

21 MR. CASTAGNA: Objection to
22 the form of the question.

23 THE WITNESS: I'm sure they
24 believed it.

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1 BY MR. BARATTA:

2 Q. Okay. And so you think it's possible
3 for an investigator to form a wrong conclusion
4 that might lead to a bad conviction?

5 MR. CASTAGNA: Objection.

6 Relevance. Calls for speculation.

7 THE WITNESS: I'm -- I guess
8 that's possible, sure.

9 BY MR. BARATTA:

10 Q. Mr. Castagna asked you whether there
11 was ever any monetary award or reward for
12 working on multi-claim investigations, and you
13 said you would have a hard time answering those
14 questions. Why?

15 A. Because our salary structure and our
16 reimbursement structure on how we received pay
17 raises has varied over time.

18 And I was a 25-year employee at
19 State Farm. So to answer that question, you
20 would have to tell me when you're talking about.

21 Q. Well, was there ever a time that any
22 part of the calculus was work that you had done
23 on multi-claim investigations?

24 MR. CASTAGNA: Objection to

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1 the form of the question.

2 THE WITNESS: I believe so,

3 yes.

4 BY MR. CASTAGNA:

5 Q. And do you know what the calculus was?

6 MR. CASTAGNA: Objection to

7 the form --

8 THE WITNESS: I have no

9 idea --

10 MR. CASTAGNA: -- of the

11 question.

12 THE WITNESS: -- how

13 management came up with the calculus.

14 BY MR. BARATTA:

15 Q. And was there any -- strike that.

16 We'll come back to that.

17 You said that there were times you had

18 conducted investigations where you found that

19 there had been no fraud committed by the medical

20 provider; right?

21 MR. CASTAGNA: Objection to

22 the form.

23 THE WITNESS: I said there

24 were times I conducted investigations

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1 that I thought my investigation
2 wouldn't warrant a further referral
3 because I didn't think there was
4 any -- I didn't think there was enough
5 evidence or anything really there to
6 warrant anything further to look at or
7 any referrals or any law enforcement
8 or any referrals to an attorney.
9 Maybe there were some anomalies here,
10 anomalies there, but, other than that,
11 nothing.

12 BY MR. BARATTA:

13 Q. The first time you and I met was
14 because I served you with a subpoena in the
15 Lugiano case. Do you recall that?

16 MR. CASTAGNA: Objection.
17 Relevance.

18 THE WITNESS: Yes, you came
19 to my home.

20 BY MR. BARATTA:

21 Q. And had you conducted an investigation
22 involving Dr. Darren Lugiano at some point?

23 MR. CASTAGNA: Objection --

24 THE WITNESS: I

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1 had conducted investigation --

2 MR. CASTAGNA: I just want
3 to place an objection, Jeff --

4 THE WITNESS: What's that?

5 MR. CASTAGNA: I just want
6 to put an objection --

7 THE WITNESS: Sure. Go
8 ahead.

9 MR. CASTAGNA: Objection to
10 the form of the question. Objection
11 to relevance.

12 You can answer.

13 THE WITNESS: I conducted an
14 investigation regarding a doctor that
15 was treating patients at a Dr. Lugiano
16 clinic.

17 BY MR. BARATTA:

18 Q. Okay. And in the course of that
19 investigation, did you come to believe that
20 there was no fraud occurring at the Lugiano
21 clinic that you were investigating?

22 MR. CASTAGNA: Objection to
23 the form of the question. Also
24 objection to relevance.

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1 THE WITNESS: I came to the
2 conclusion that there was not enough
3 evidence for me to continue going
4 forward. And when I was asked to
5 consider whether we should or
6 shouldn't go forward, and I was trying
7 to decide what we should or shouldn't
8 do, the doctor passed away.

9 BY MR. BARATTA:

10 Q. Did you discover or observe any
11 evidence of fraud being perpetrated by
12 Dr. Lugiano or at the clinic itself?

13 MR. CASTAGNA: Object to the
14 form of the question. Also object to
15 relevance.

16 THE WITNESS: No.

17 BY MR. BARATTA:

18 Q. And did you conduct surveillance of
19 that -- in that project?

20 A. I did.

21 MR. CASTAGNA: Objection to
22 the form of the question. Objection
23 to relevance.

24 BY MR. BARATTA:

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1 Q. And did you create reports and other
2 documents related to that investigation?

3 MR. CASTAGNA: Objection to
4 the form of the question. Objection
5 to relevance.

6 THE WITNESS: I did.

7 BY MR. BARATTA:

8 Q. Are you aware that State Farm later
9 sued Dr. Lugiano for fraud?

10 MR. CASTAGNA: Objection to
11 the form of the question. Objection
12 to relevance.

13 THE WITNESS: You served me
14 on a subpoena, so I assume there was.

15 BY MR. BARATTA:

16 Q. And do you know who conducted any
17 further investigation after you had finished
18 your earlier investigation concerning
19 Dr. Lugiano?

20 MR. CASTAGNA: Objection to
21 the form of the question. Objection
22 to relevance.

23 THE WITNESS: I was led to
24 believe that it was Doug Babin, and I

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1 don't know if others in the unit
2 assisted him or not. I have no idea.

3 BY MR. BARATTA:

4 Q. Do you know who the attorneys were who
5 filed the lawsuit against Dr. Lugiano?

6 MR. CASTAGNA: Objection to
7 the form of the question.

8 THE WITNESS: Who
9 actually --

10 MR. CASTAGNA: Objection to
11 relevance.

12 THE WITNESS: -- filed the
13 lawsuit?

14 BY MR. BARATTA:

15 Q. Yes.

16 A. No, no idea.

17 Q. Did you speak to Mr. Castagna when I
18 served you with a subpoena in the Lugiano case?

19 MR. CASTAGNA: Objection to
20 the form of the question.

21 THE WITNESS: I did.

22 MR. CASTAGNA: Objection to
23 relevance.

24 BY MR. BARATTA:

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1 Q. And what did he say?

2 A. He told me to hold on and wait, not to
3 show up, that he would contact you to find out
4 what it was all about.

5 Q. Did you tell Mr. Castagna that you had
6 conducted an earlier investigation connected to
7 Dr. Lugiano?

8 MR. CASTAGNA: Objection to
9 the form of the question.

10 THE WITNESS: I told
11 him that --

12 MR. CASTAGNA: Objection to
13 relevance.

14 THE WITNESS: -- I may have
15 records somewhere that might have
16 something that might have Lugiano's
17 name in it.

18 BY MR. BARATTA:

19 Q. You said in response to some questions
20 that Mr. Castagna asked you about RICO and --
21 and RICO appearing on a bill, that counsel
22 decides whether RICO applies; right?

23 A. Correct.

24 Q. So if counsel has put on its bill the

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1 word "RICO," would you take that to mean that
2 counsel has decided that RICO applies?

3 MR. CASTAGNA: Objection to
4 the form of the question. Also calls
5 for --

6 THE WITNESS: I have no
7 idea --

8 MR. CASTAGNA: --
9 speculation.

10 THE WITNESS: -- what
11 counsel means, what -- you would have
12 to ask counsel what counsel means. I
13 don't know what their thought process
14 is about -- I don't -- if they think
15 RICO applies in a particular case,
16 they'll put it in writing to me.
17 They'll say, you know, RICO applies
18 and this is why.

19 Now, why they would put it
20 on a bill, I -- that's something you
21 would have to ask counsel why it's on
22 a bill. I only know when they put it
23 in writing, RICO applies for a couple
24 of reasons, and then they give the

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1 specific reasons why RICO applied in
2 an affirmative action.

3 BY MR. BARATTA:

4 Q. One of the RICO cases that you
5 identified that you could recall was against Sam
6 Fishman?

7 A. I said I think State Farm -- part of
8 that case involved a RICO.

9 Q. And do you recall what the allegations
10 were against Sam Fishman?

11 MR. CASTAGNA: Objection.

12 THE WITNESS: Well, again --

13 MR. CASTAGNA: Let me just
14 object. Objection to the form of the
15 question. Objection to relevance.

16 You can answer the question.

17 THE WITNESS: I said
18 Mr. Fishman and others, and I believe
19 it was billing for services not
20 rendered, staged accidents, falsifying
21 medical records, and other things.
22 There was a litany of things that were
23 alleged.

24 BY MR. BARATTA:

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1 Q. Do you know who the counsel was
2 connected to that RICO matter involving Sam
3 Fishman?

4 MR. CASTAGNA: Objection to
5 the form of the question.

6 THE WITNESS: I believe
7 there were a lot of different people
8 involved.

9 BY MR. BARATTA:

10 Q. Was Goldberg, Miller & Rubin one of
11 them?

12 MR. CASTAGNA: Objection to
13 the form of the question.

14 THE WITNESS: I believe so.

15 BY MR. BARATTA:

16 Q. What specifically did you talk to
17 Mr. Castagna about this morning before the
18 deposition?

19 MR. CASTAGNA: I'm going to
20 object. Asked and answered.

21 THE WITNESS: To let him
22 know that you had came to my house and
23 served me with a subpoena in that
24 other case, wanted to let him know

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1 that you had reached out to me via
2 telephone several times, wanted to let
3 him know that I sent you a paper
4 document that said something at the
5 top saying MCIU or SIU dashboard, I
6 wanted to let him know that I sent you
7 these answers.

8 And I also was honest and
9 told him that I met with you Tuesday,
10 because you called me and said now
11 that it's going to be formal and I'm
12 actually going to have a chance to ask
13 you questions under oath for the first
14 time, would you agree to finally sit
15 down and meet with me face-to-face and
16 talk with me, and I said sure, since
17 I'm going to have to meet you anyway.

18 And then he said -- you
19 know, he asked me questions about, you
20 know, State Farm, and do you recollect
21 things about your past. And I'm like,
22 things have changed so much since when
23 I worked there.

24 He asked me just some

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1 generic questions about, you know, my
2 employment, nothing specific. Oh, he
3 asked me about this case, if I knew
4 anything, if I had any documents, if I
5 had ever been to any meetings that he
6 needed to be aware of, if I reviewed
7 anything that he should be aware of.

8 I told him I had absolutely
9 no knowledge. I even told him that as
10 far as some of the defendants go, I
11 didn't even know who one of the
12 defendants even was, never even heard
13 of them before.

14 BY MR. BARATTA:

15 Q. Did you tell Mr. Castagna about your
16 prior investigation involving Dr. Stavropolskiy?

17 A. No.

18 Q. At some point Mr. Ed Bradley or Jim
19 Moughan called you in connection with this case?

20 A. Yeah, I think you told me -- you asked
21 me that the other day, and I think I told you
22 that Mr. Bradley asked me if I ever got a
23 subpoena, would I just let him know.

24 So that was really the conversation I

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1 had with Mr. Bradley, was -- I don't -- I think
2 Mr. Moughan may have been in the room with him,
3 but that was it.

4 Ed Bradley and I really didn't discuss
5 the case in any way, shape or form. I just told
6 him if I ever did get a subpoena, I would place
7 a phone call to him and let him know.

8 And then I think he said, you know
9 what, make sure you just let Rich know, meaning
10 Mr. Castagna. And then I did -- after I got
11 served, I did let Mr. Castagna know that I was
12 served.

13 But I never discussed anything with Ed
14 Bradley regarding this case, never discussed
15 anything with Mr. Moughan regarding this case,
16 and I never discussed anything with Rich
17 Castagna involved in this case either, or
18 anybody at Mr. Goldberg's firm involved in this
19 case, if there is anybody.

20 Q. You indicated that what you were hired
21 to do at State Farm was ferret out medical
22 provider fraud. Was -- were the other people in
23 your unit also similarly focused?

24 MR. CASTAGNA: Objection to

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1 the form of the question.

2 THE WITNESS: First off, I
3 don't think I ever used the word
4 "ferret out," but --

5 BY MR. BARATTA:

6 Q. The transcript will speak for itself,
7 but --

8 A. Okay.

9 Q. -- what was your job with respect to
10 medical provider fraud?

11 MR. CASTAGNA: Objection to
12 the form of the question.

13 THE WITNESS: To investigate
14 claims where potential fraud may
15 exist, to determine whether or not
16 there was or wasn't fraud being
17 conducted by medical providers in or
18 around Philadelphia metropolitan area.
19 And then when I worked for Michael
20 Knox, it was the same exact thing, but
21 it was Northern Jersey and New York.

22 BY MR. BARATTA:

23 Q. And did Mr. Costanzo in 2010, '11, '12
24 have the same job you had?

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1 A. Yes.

2 Q. Did he have the same supervisor in
3 that time frame?

4 A. Yes.

5 Q. And was it Mr. Bowles and
6 Mr. Acornley?

7 A. Yeah, I think that's about the time
8 Mr. Bowles retired, actually, and
9 Mr. Acornley -- John and I worked for
10 Mr. Bowles, and Bryan Acornley had a different
11 team.

12 And then when Austin Bowles retired,
13 everybody went under Bryan Acornley, and Bryan
14 Acornley just absorbed both teams and became a
15 team manager for everyone.

16 Q. How many multi-claim investigations of
17 medical providers would you say you've
18 participated in?

19 MR. CASTAGNA: Objection.

20 Asked and answered.

21 THE WITNESS: I answered
22 that already. Over my 20-some-year
23 career, too many for me to recollect.

24 BY MR. BARATTA:

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1 Q. How many formal projects involving
2 medical providers have you been involved with?

3 A. I use the term "MCIU investigation"
4 and "formal project" to be the same. To me
5 they're -- as we discussed before, could be one
6 of those words that's interchangeable, so the
7 answer would be the same.

8 Q. Do you know if Mr. Costanzo used those
9 terms the same way?

10 A. I don't know. You would have to ask
11 John.

12 Q. How many -- however many multi-claim
13 investigations and/or medical provider projects
14 there have been, what percentage of those --
15 strike that. Bad question.

16 Of the multi-claim investigations and
17 projects that you've participated in, what
18 percentage would you estimate involved medical
19 providers?

20 MR. CASTAGNA: Objection to
21 the form of the question.

22 THE WITNESS: Me personally?

23 BY MR. BARATTA:

24 Q. Yeah.

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1 A. 98 percent.

2 Q. And --

3 A. Maybe 95 percent.

4 Q. And do you think that percentage would
5 be similar for Mr. Costanzo and Mr. Babin and
6 the others in your unit?

7 MR. CASTAGNA: Objection to
8 the form of the question. Calls for
9 speculation.

10 THE WITNESS: No.

11 BY MR. BARATTA:

12 Q. Why?

13 A. My past experience has shown me that
14 Mr. Babin was involved quite a number of times
15 with investigations involving strictly property
16 damage claims or body shop claims that he was
17 asked to assist on.

18 So I would say that most of us dealt
19 primarily with investigations that centered
20 around medical of some type, whereas Mr. Babin
21 might have a little bit more experience dealing
22 with some body shop, glass-issue claims, other
23 types of claims besides just medical.

24 Q. So other than Mr. Babin, when you say

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1 the rest of us, do you include Mr. Costanzo in
2 that group?

3 A. Yes.

4 MR. CASTAGNA: Objection to
5 the form of the question.

6 THE WITNESS: I'm sorry.
7 I'll slow down with regard to my
8 answer.

9 MR. CASTAGNA: That's okay.
10 I think she's getting it.

11 THE WITNESS: Okay. I'm so
12 sorry. I know not to speak two at a
13 time.

14 BY MR. BARATTA:

15 Q. What were some of the ways that you
16 would identify doctors to investigate?

17 A. My gosh.

18 MR. CASTAGNA: I'm sorry.
19 Could I have that read back?

20 (At this time, the court
21 reporter read back from the record, as
22 requested.)

23 MR. CASTAGNA: Object to the
24 form of the question.

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1 You can answer the question.

2 THE WITNESS: Gosh, a whole
3 litany of possibilities. There is no
4 one or two or even three things
5 written in stone. There's a whole
6 litany of possibilities on how you
7 would get a referral to look at a
8 particular medical center or a
9 particular medical provider or a
10 particular group of people.

11 BY MR. BARATTA:

12 Q. Was there any competition amongst the
13 MCIU/SIU investigators to be the guy doing the
14 most projects or the most investigations?

15 MR. CASTAGNA: Object to the
16 form of the question.

17 THE WITNESS: Might be with
18 some people. Personally, I didn't
19 care.

20 BY MR. BARATTA:

21 Q. Who were the people that you think
22 might have had that feeling?

23 A. Oh, I don't know.

24 MR. CASTAGNA: Objection.

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1 THE WITNESS: You would have
2 to ask them that. I didn't care who
3 did or didn't have the most.

4 BY MR. BARATTA:

5 Q. You indicated there were lots of
6 different law firms that you had hired over the
7 years. Were there specific law firms that were
8 used in connection with medical provider
9 projects?

10 A. Yes, sir.

11 Q. And which ones were those?

12 A. Britt, Hankins, Schaible & Moughan,
13 that then became Britt, Hankins & Moughan;
14 Bennett, Bricklin & Saltzburg; and Goldberg,
15 Miller & Rubin.

16 Q. Any others?

17 A. There might be some on the peripheral
18 here and there, but primarily they were the
19 three main firms that handled affirmative
20 litigation projects. To assist on claim files
21 in projects, we at times would use Lee Rosenau
22 at Dion, Rosenau. Catherine --

23 Q. Harrington?

24 A. -- Harrington at times would be used.

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1 They handled individual files.

2 Out in the counties, if we had to have
3 a county attorney, John Barr's office would be
4 used. Fred Smith, before he retired, out in
5 Norristown could be used.

6 Years and years and years ago, before
7 passing away, there was -- apologize -- Martin
8 Corr, Sean Corr. But handling affirmative
9 litigation was pretty much related to the three
10 firms I mentioned originally.

11 Q. So if you had a multi-claim
12 investigation which you thought might go to
13 affirmative litigation at some point in the
14 future, would you limit yourself to bringing in
15 Goldberg, Miller & Rubin or Britt, Hankins &
16 Moughan or Bennett, Bricklin & Saltzburg to
17 assist you?

18 A. Well, you --

19 MR. CASTAGNA: Objection to
20 the form of the question.

21 THE WITNESS: You could
22 bring in anybody originally. When I
23 say "originally," when you thought you
24 needed counsel to assist you on

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1 underlying files and to assist you
2 with collecting evidence, you could
3 bring in anybody that was approved to
4 do SIU work.

5 But when you thought I
6 needed somebody to handle or when you
7 said to your boss, Hey, you know, we
8 may or may not be going the route of
9 affirmative litigation, I'm getting
10 some evidence here, you absolutely had
11 to then redirect it to one of those
12 three firms.

13 Or maybe at the beginning,
14 you could just pick one of those three
15 firms. That's always an option, too.
16 But if I was using -- I happened to
17 personally like Lee Rosenau. I just
18 liked his tenacity and his tactics at
19 lower court levels, you know, so I
20 used Mr. Rosenau an awful lot for
21 underlying cases.

22 But then as evidence went
23 on, for instance, in the case Singer
24 versus -- State Farm Insurance versus

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1 Maurice Singer, I had to tell
2 Mr. Rosenau that he could no longer
3 handle cases because I was referring
4 it to Ed Bradley to handle the
5 possibility of affirmative action, and
6 Mr. Bradley would let me know whether
7 or not there would or wouldn't be
8 affirmative action, so...

9 BY MR. BARATTA:

10 Q. Once that shift is made, is there an
11 effort to have all new underlying claims sent to
12 that office?

13 A. Well, that's --

14 MR. CASTAGNA: Objection to
15 the form of the question.

16 THE WITNESS: That's a
17 decision that is then made with the
18 lead investigator, counsel and
19 management.

20 That is -- unfortunately, it
21 all depends, all depends on how many
22 cases are involved, how much
23 litigations there's going to be, how
24 large is the scope of the affirmative

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1 action, how many underlying cases are
2 still left.

3 So that's a cost analysis
4 that needs to be done on each case to
5 figure out how it's going to be
6 handled.

7 BY MR. BARATTA:

8 Q. Did you ever bring Goldberg, Miller &
9 Rubin in on a project that you were handling?

10 A. Yes.

11 MR. CASTAGNA: Object to the
12 form --

13 BY MR. BARATTA:

14 Q. How many?

15 MR. CASTAGNA: -- of the
16 question.

17 THE WITNESS: I, over the
18 years, have used Goldberg, Miller &
19 Rubin many, many, many times on
20 underlying cases as well as on
21 projects.

22 BY MR. BARATTA:

23 Q. And which lawyers in particular at
24 Goldberg, Miller & Rubin have you dealt with on

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1 projects?

2 A. On projects? Cy Goldberg, Rich, Matt,
3 Lori Miller has at times sat in, I think
4 Kristine Meindl has sat in at times to handle
5 either depositions or to handle things with me.

6 As far as the actual affirmative
7 litigation, the only people that have ever
8 consulted with me to give me advice or to
9 prepare reports have either been Cy Goldberg or
10 Matt, under the direction of Rich Castagna.

11 Q. How about Warren Holland?

12 A. No, I personally have never used
13 Warren. That's just because that's, you know --
14 he just didn't get involved in my cases.

15 Q. Do you know if Goldberg, Miller &
16 Rubin does project work for any other insurance
17 companies?

18 A. I have no idea. None of my business.

19 Q. When you would do surveillance, would
20 you need to get a manager's approval to do
21 surveillance?

22 A. When?

23 Q. Between 2010 and 2013.

24 A. Yes.

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1 MR. CASTAGNA: I'm sorry. I
2 need to take a break.

3 MR. BARATTA: Go ahead.

4 (At this time, a brief
5 recess was taken.)

6 BY MR. BARATTA:

7 Q. So the last question was about
8 surveillance. And you said between 2010 and
9 2013, in order to do surveillance, you had to
10 get manager approval; right?

11 A. Yes, sir.

12 Q. And how would you do that?

13 A. Sat down with your manager, explained
14 why you wanted to do surveillance, asked. And
15 if it's granted, yes; if it's not, no.

16 Q. Would there be a written submission of
17 some kind?

18 A. Generally, no, not with me anyway. I
19 would sit down in person, because -- or manager
20 would want to know specifics on why you wanted
21 surveillance, what type of surveillance. They
22 want details. It's easier to explain that kind
23 of stuff in person than to sit and try to type
24 it all out.

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1 Q. And was Mr. Acornley someone you would
2 do that with?

3 A. Yes.

4 Q. And between 2010 and 2013, if
5 Mr. Acornley was the supervisor, is it your
6 understanding that if surveillance was desired
7 on a project, Mr. Acornley would have to approve
8 it?

9 A. That was my understanding, yeah. You
10 couldn't just start ordering surveillance on
11 your own.

12 Q. And would the approval be just verbal,
13 or would there be a writing associated with it?

14 A. All depends. That's -- I can't tell
15 you guaranteed it would be put in the file. I
16 would document, Personally discussed with
17 management, received approval for surveillance,
18 contacted, then I'd name whoever I contacted for
19 surveillance, surveillance to begin on, and then
20 I'd give the date.

21 So I would document in my lead file
22 how and where, when I was going to do
23 surveillance and who I hired.

24 Q. Did you ever get turned down by

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1 Mr. Acornley to conduct surveillance?

2 A. Would I ever get turned down? I don't
3 think Mr. Acornley ever turned me down.
4 Mr. Bowles did once.

5 Q. Why?

6 A. He wanted to see more information. He
7 was like, get me a little more facts, a little
8 more information and come back to me. And I
9 said okay.

10 Q. Was there some specific reason that
11 you would seek surveillance?

12 MR. CASTAGNA: Objection to
13 the form of the question.

14 THE WITNESS: Sir, would you
15 please be more -- please be more
16 specific on surveillance of whom or
17 what?

18 BY MR. BARATTA:

19 Q. Well, we're talking about medical
20 providers, and let's say you're doing a medical
21 provider investigation.

22 A. Okay.

23 Q. What are some of the reasons you would
24 want surveillance of a medical provider?

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1 MR. CASTAGNA: Objection to
2 the form of the question.

3 THE WITNESS: Surveillance
4 of a medical provider to see how many
5 patients are coming and going in the
6 course of a day, to make sure that the
7 doctor actually is showing up to the
8 medical center to work, to verify how
9 long the patients are in the medical
10 center, to verify that the patients
11 are actually showing up to the medical
12 center.

13 And then you would compare
14 that information at a later date with
15 claim files when medical bills were
16 submitted.

17 BY MR. BARATTA:

18 Q. Does there have to be some reason to
19 suspect that some of those things aren't
20 happening before you'll seek surveillance?

21 A. Sure.

22 MR. CASTAGNA: Objection to
23 the form of the question.

24 BY MR. BARATTA:

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1 Q. And with respect to medical provider
2 investigations, do they get started because
3 there's some suspicion of possible wrongdoing by
4 the medical provider?

5 MR. CASTAGNA: Objection to
6 the form of the question.

7 THE WITNESS: That's a tough
8 one to answer. The way I can say it
9 is, an investigation gets started
10 because there's some wrongdoing, not
11 necessarily always because the
12 provider is doing some wrongdoing.

13 I personally have started
14 investigations because of staged
15 accident rings, group of individuals
16 showing up in the same files over and
17 over and over, or a group of
18 individuals from the same two
19 neighborhoods always showing up in
20 opposite cars of each other over and
21 over and over all around the city.

22 And then when you begin to
23 look at the files, if the same medical
24 center suddenly shows up in all of the

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1 claims, you have to say to yourself
2 that's, you know, unusual. Be unusual
3 enough for all of these people to
4 constantly have accidents with each
5 other, but what's the likelihood that
6 in every single accident, they all end
7 up at the same clinic?

8 Then you might say to
9 yourself, is the clinic aware that all
10 these people somehow know each other,
11 or is the clinic involved? And then
12 you might want to broaden your
13 investigation not just on the
14 individuals, but also of the clinic or
15 the clinic owner or an employee of the
16 clinic.

17 It doesn't necessarily mean
18 the doctor has any knowledge. Maybe
19 it's the front office person. Maybe
20 it's a therapist in the clinic. I
21 mean, you have to keep an open mind
22 when you're conducting investigations.
23 The last thing you want to do is make
24 assumptions, and then set out to prove

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1 your assumptions.

2 You keep an open mind and
3 you let the facts and you let the
4 evidence guide the investigation. You
5 don't make an assumption and then set
6 out to prove your assumption.

7 BY MR. BARATTA:

8 Q. Do you think everybody in the unit
9 abided by that principle?

10 MR. CASTAGNA: Objection to
11 the form of the question. Also calls
12 for speculation.

13 THE WITNESS: I don't know
14 if everybody handled their
15 investigations the way I handled my
16 investigations.

17 I can tell you that's the
18 way I was trained. That's the way
19 Dave Murphy, when I first started with
20 him 20-some years ago, insisted upon
21 it. He was a great teacher.

22 I had the benefit of going
23 to some training schools or training
24 classes, I guess you would call it,

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1 early on in my career with outside
2 agencies, not State Farm, and that's
3 the way they trained me, so that's the
4 way that I stuck with it.

5 BY MR. BARATTA:

6 Q. Is it fair to say that every
7 multi-claim investigation or project that you
8 were involved in began based on some suspicion
9 of wrongdoing?

10 MR. CASTAGNA: Objection to
11 the form --

12 THE WITNESS: Yes.

13 MR. CASTAGNA: -- of the
14 question.

15 BY MR. BARATTA:

16 Q. I asked you in the written questions
17 that Mr. Castagna marked about lists that are
18 maintained by the SIU on ongoing projects. And
19 they're in -- it's questions 42 to 46, I
20 believe -- actually, that's wrong.

21 It should be the very last page of the
22 same.

23 A. Okay. I'm there, sir.

24 Q. And then question number 42 was: Did

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1 the SIU/MCIU maintain written lists or
2 spreadsheets of the medical provider projects it
3 was conducting?

4 And your answer was: Yes.

5 Correct?

6 A. Yes.

7 Q. And then the next question was: When
8 were such lists maintained and who maintained
9 them and what information was contained on the
10 lists?

11 And is the answer that you wrote there
12 accurate?

13 A. May I read that answer first?

14 Q. Please.

15 A. Do I read it out loud or read it to
16 myself?

17 Q. You can read it to yourself.

18 A. Thank you.

19 Yes, that's accurate.

20 Q. Did the projects identified on the
21 project lists always concern medical providers?

22 MR. CASTAGNA: Objection to
23 the form of the question.

24 THE WITNESS: No.

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1 BY MR. BARATTA:

2 Q. What else besides medical providers
3 would be on the project lists?

4 A. If there was -- there was -- I believe
5 at one point there was an investigation
6 involving a glass company, so there was a glass
7 claim on the list.

8 At one point there was an
9 investigation involving several body shops, so
10 there were body shops on the list. At one point
11 there was a tow company, so there was a tow
12 company, I believe, on the list. There was an
13 X-ray company, but I guess you would call that a
14 medical provider.

15 It would be whoever -- it would be
16 whatever we decided to name the project.
17 Sometimes the projects were named for the name
18 of the clinic. Sometimes the projects were
19 named for the owner of the clinic. Sometimes
20 the projects were named for the doctor at the
21 clinic, if he happened to be the owner.

22 The name really wasn't important. It
23 was just a way to identify a project. That
24 didn't necessarily mean that's who an

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1 affirmative action may or may not be filed
2 against and if one's ever going to be filed. It
3 was just a way of identifying that's the
4 project.

5 Q. And who maintained the list?

6 MR. CASTAGNA: Object to the
7 form of the question.

8 THE WITNESS: That's the
9 part where I said it all depends on
10 the time frame.

11 BY MR. BARATTA:

12 Q. Okay. Let's say -- well, I wasn't
13 clear on the time frame that you actually went
14 into SIU when it was named something else
15 originally --

16 A. Okay.

17 Q. -- but were you in SI -- was it called
18 SIU by 2000, by the year 2000?

19 MR. CASTAGNA: Objection to
20 the form of the question.

21 THE WITNESS: By the year
22 2000? I think by the year 2000, it
23 was called SIU.

24 BY MR. BARATTA:

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1 Q. From 2000 until the time that you left
2 State Farm, in other words -- you're no longer
3 employed by State Farm; right?

4 A. That is correct.

5 Q. When did you leave State Farm?

6 A. August of 2015.

7 Q. So from 2000 to August of 2015, were
8 you in the SIU?

9 A. Yes, sir.

10 Q. And were you conducting investigations
11 in projects involving medical providers
12 throughout that time?

13 MR. CASTAGNA: Objection to
14 the form of the --

15 THE WITNESS: Yes, sir.

16 MR. CASTAGNA: -- question.

17 BY MR. BARATTA:

18 Q. Throughout that entire period of time,
19 was -- in your experience, was there always a
20 list maintained of ongoing medical provider
21 projects?

22 MR. CASTAGNA: Objection to
23 the form of the question.

24 THE WITNESS: I hate to use

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1 the word "list." I always referred to
2 it as inventory. It was just a way of
3 tracking -- it was just a way for
4 claim reps and management to keep
5 track of inventory, what are you
6 working on, how many files, projects
7 claims are you handling, so that
8 management and upper management knew
9 what you were working on, so they knew
10 who was busy, who wasn't. So if
11 something new came in, who do you
12 assign that to.

13 You know, you had --
14 management had to know what people
15 were working on and what projects or
16 files or cases were closing and what
17 weren't, so when something new came to
18 our team, who had time to handle it.

19 So you're not making lists
20 to track people. You're making an
21 inventory sheet to say, Hey, Jeff, you
22 can handle this, or, John, you can
23 handle this, or, Mario, you can handle
24 this. That was the whole point of it.

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1 So I always referred to it as an
2 inventory.

3 BY MR. BARATTA:

4 Q. And referring to it as an inventory
5 from 2000 until the time that you left in 2015,
6 was there always an inventory of projects
7 maintained?

8 A. There was always an inventory of some
9 kind. Whether it was in the same format or not,
10 no. The format would change, you know, what it
11 looked like would change, but somehow, some way,
12 whether it was the unit secretary, whether it
13 was the team manager, somebody always had an
14 understanding of what each claim rep's inventory
15 was, how many active projects there were, who
16 the projects were assigned to, what they were
17 working on, how many claim files there were, how
18 many claim files each claim rep had, et cetera,
19 yes.

20 They had to; otherwise, State Farm
21 doesn't know what you're doing on a daily basis.

22 Q. And in your answer to number 43, you
23 refer to it as an inventory sheet? Is that --

24 A. Yes, for lack of a better term. It

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1 may not had been a sheet. It may not had been
2 one page.

3 Q. Okay. But did everyone have a copy of
4 it in the unit?

5 A. I didn't keep a copy of it.

6 Q. How do you know it existed?

7 A. Because we would see it routinely at
8 staff meetings, because we would routinely go
9 over it at staff meetings.

10 Q. Who would have it at the meeting?

11 A. Management would divvy it out.

12 Q. So was that Mr. Acornley?

13 A. Mr. Bowles, Mr. Acornley, Mr. Murphy.
14 I mean, I had one dating back to my days with
15 Mr. Murphy.

16 Q. And how often would those kind of
17 meetings occur?

18 A. No rhyme or reason. I'm sure
19 State Farm would have liked them to occur more.
20 We were very busy people and we were very --
21 unfortunately, we were not individuals that sat
22 in an office behind a desk every day.

23 And we all lived in different areas
24 and we all worked in different areas of the

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1 region, so it wasn't always easy to get
2 everybody into an office for a meeting.

3 So sometimes we could have two
4 meetings or three meetings in one month,
5 sometimes we could go six weeks without having a
6 meeting. I mean, there was really no rhyme or
7 reason to it.

8 Sometimes we would get a memo that
9 would say we have not had a staff meeting in a
10 while, I really need everybody to get in here
11 next Thursday. And then next Thursday, we would
12 all show up to the office for a 10:00 a.m.
13 meeting.

14 There was no guarantee you're having a
15 meeting every week or every two weeks or every
16 three weeks.

17 Q. Is it fair to say, though, that you
18 had those kinds of meetings several times a
19 year?

20 A. Oh, gosh, yes.

21 MR. CASTAGNA: Objection to
22 the form of the question.

23 THE WITNESS: Yes, more than
24 several times a year.

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1 BY MR. BARATTA:

2 Q. Several times a quarter?

3 A. Yes.

4 MR. CASTAGNA: Objection to
5 the form of the question.

6 BY MR. BARATTA:

7 Q. And would it be Mr. Acornley or
8 Mr. Bowles who would have called those meetings?

9 MR. CASTAGNA: Objection to
10 the form of the question.

11 THE WITNESS: Yeah, either
12 one of them or jointly, or sometimes
13 it was one of them, sometimes they
14 hold joint meetings together, Bryan's
15 team and Austin's team together in one
16 room.

17 Sometimes Austin did just
18 his team, sometimes Bryan did just his
19 team. And then when Austin retired,
20 it was just Bryan, so everybody showed
21 up when just Bryan did it.

22 Same thing when Mr. Murphy
23 was there. When Mr. Murphy was there
24 and Mr. Acornley wasn't, it was

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1 Mr. Murphy and Mr. Bowles. So
2 sometimes it was just Mr. Murphy
3 having his team and just Mr. Bowles
4 having his team, and sometimes they
5 had a joint meeting.

6 BY MR. BARATTA:

7 Q. And when Mr. Acornley was in those
8 meetings either with Mr. Bowles or by himself,
9 did he have a copy of the inventory sheet?

10 A. Yes.

11 MR. CASTAGNA: Objection to
12 the form of the question.

13 BY MR. BARATTA:

14 Q. And would he go over the inventory
15 sheet with everyone?

16 MR. CASTAGNA: Objection to
17 the form of the question.

18 THE WITNESS: Sometimes, and
19 sometimes we would be so busy because
20 there were other things that were more
21 pressing that maybe we wouldn't get to
22 the inventory sheet that day, but he
23 would try to, but, you know, if there
24 were more important things at

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1 State Farm -- things are always
2 changing at State Farm. So if there
3 were more important things to discuss,
4 he would not get to it.

5 BY MR. BARATTA:

6 Q. Other than the inventory sheets, were
7 there any other kind of sheets or lists or
8 inventories maintained within the MCIU?

9 MR. CASTAGNA: Objection to
10 the form of the question.

11 THE WITNESS: Well, we --
12 anytime we did reviews, we would keep
13 an inventory sheet.

14 BY MR. BARATTA:

15 Q. Reviews of what?

16 A. If we had a litigation, let's say,
17 against a specific provider, we might -- I can
18 remember, for instance, we had a rather lengthy
19 litigation against a provider named Dr. Singer,
20 who I was in charge of, who had multiple clinics
21 spread throughout the city.

22 So during that litigation, we would
23 produce a sheet that listed all of the claim
24 numbers where that provider or providers were

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1 involved, and those claims would have to be
2 looked at.

3 Q. When you were doing the investigation
4 that involved Dr. Stavropolskiy and the clinic
5 in the Northeast, would that clinic have
6 appeared on an inventory sheet?

7 MR. CASTAGNA: Objection.
8 He hasn't testified that he had any
9 investigation into Dr. Stavropolskiy.

10 THE WITNESS: Yeah, I don't
11 know. That was really a long time
12 ago. I don't know if we did that or
13 didn't do that back then. I have no
14 idea.

15 BY MR. BARATTA:

16 Q. Were there ever any effort within the
17 SIU or MCIU to focus on specific attorneys?

18 MR. CASTAGNA: Objection to
19 the form of the question.

20 THE WITNESS: Occasionally
21 we would review files that went to
22 specific law firms.

23 BY MR. BARATTA:

24 Q. Plaintiffs' law firms?

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1 A. Yes, sir.

2 Q. Can you think of any lawyers in
3 particular or law firms in particular?

4 MR. CASTAGNA: Don't
5 identify anyone.

6 MR. BARATTA: What's that?

7 MR. CASTAGNA: He's not
8 going to identify any investigation --

9 MR. BARATTA: Are you
10 instructing him not to answer?

11 MR. CASTAGNA: No, I'm
12 pointing out the fact, we'll make it
13 clear, pointing out the fact that you
14 already asked for State Farm to
15 identify prior investigations that are
16 listed on these inventories or lists.

17 The court has already told
18 you you're not entitled to it, and now
19 you're trying to ask the witness for
20 that, or at least that's what it
21 sounds like you're trying to do.

22 MR. BARATTA: This is
23 something entirely new. You've never
24 identified in discovery what he's

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1 talking about.

2 MR. CASTAGNA: What's that?

3 MR. BARATTA: This new focus
4 on lawyers that you've never
5 identified.

6 MR. CASTAGNA: I've never
7 identified that? Why would I identify
8 that? Why --

9 MR. BARATTA: I don't know
10 why you and I need to have this
11 discussion.

12 MR. CASTAGNA: Well, he's
13 not going to testify to it, and if you
14 want to insist on going down that
15 road, we'll just call the judge, and
16 you can explain to the judge why
17 that's relevant to the case.

18 MR. BARATTA: Do you
19 represent this witness?

20 MR. CASTAGNA: You heard
21 what I said.

22 MR. BARATTA: Mr. --

23 MR. CASTAGNA: I'm going to
24 move for a protective order if you

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1 move into that line of questioning,
2 and we can call the judge and we'll
3 just have a conference with the judge.

4 BY MR. BARATTA:

5 Q. Was Sam Fishman ever a lawyer on any
6 lists that you were using within SIU or MCIU to
7 direct investigations?

8 MR. CASTAGNA: You can
9 answer that question.

10 THE WITNESS: Yes.

11 BY MR. BARATTA:

12 Q. When was this?

13 A. In the past.

14 Q. How long ago?

15 A. I couldn't -- that, honestly, I can't.
16 Before I retired, but I -- years before I
17 retired, let's say that.

18 So when I say "years before I
19 retired," I don't know if I'm talking eight,
20 ten, six. There's no way for me to, like,
21 narrow that one down for you. When I say years
22 ago, I mean years ago.

23 Q. So in the time frame that you've
24 identified, 2006 to 2010, you believe that there

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1 was some SIU or MCIU focus on Sam Fishman?

2 A. Well, it could have been --

3 MR. CASTAGNA: Objection to
4 the form of the question.

5 THE WITNESS: It could have
6 been 2005. That's why I said I'm
7 not -- I don't want you to say it was
8 between 2006 and 2010. I don't know.

9 BY MR. BARATTA:

10 Q. Was it before 2010?

11 A. I can't -- I don't -- we were involved
12 in very -- I hate to say the word, but it was a
13 heated, contentious type of litigation with a
14 whole bunch of people.

15 And, yes, we were looking for files,
16 we were looking for accident, specific types of
17 accidents. And, yes, Mr. Fishman's office was
18 involved, so we were looking at claims that went
19 to his office.

20 What the exact time frame was of that
21 litigation -- that litigation went on for years,
22 years, and then there were branch-off
23 litigations from it. I don't know what the time
24 frame was that we said let's look at his office

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1 to see if we could find some of those claims or
2 claims that fit the profile.

3 I don't -- I would be so bad if I said
4 to you, Hey, it was 2009, and it turned out it
5 was 2002. I would be like, wow, man, was I off.
6 That's why I said I don't want to give you a
7 year. I would really screw you up if I did
8 that.

9 Q. What was the profile of claims that
10 you were looking at in connection with
11 Mr. Fishman?

12 MR. CASTAGNA: I'm going to
13 object to the form of the question.

14 THE WITNESS: I wasn't the
15 claim handler handling the Sam Fishman
16 litigation, so I don't know. You
17 would have to ask the guys handling
18 that litigation. There were two,
19 three, four guys handling that. I was
20 not one of them.

21 BY MR. BARATTA:

22 Q. Who were those two or three, four
23 guys?

24 MR. CASTAGNA: Objection to

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1 the form of the question.

2 You can answer.

3 THE WITNESS: Doug Babin was
4 one of them. I think Doug was the
5 lead investigator -- no -- yeah, I
6 think Doug was.

7 There was a guy that left
8 the company. God, I forget his name
9 now. The guy left the company, went
10 on to another company, he was
11 involved. Adam Godoy was involved.
12 God, we're talking --

13 Did you remember Adam's
14 name?

15 I think there was one or two
16 others that had their hand -- when I
17 say "hand," just kind of helping out.

18 Who was looking at the
19 first-party files, who was looking at
20 third-party, who was looking at the
21 provider, who was looking at attorney
22 lists, meaning that printout, I
23 couldn't tell you.

24 BY MR. BARATTA:

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1 Q. There was an actual printout of an
2 attorney list?

3 A. For Sam Fishman, you know, his name or
4 his firm's tax ID number, however it was done,
5 and files, claim numbers.

6 Q. Was Mr. Costanzo one of the people
7 involved?

8 A. I don't know, but I don't think so. I
9 mean, I'm going to have to say I don't know, but
10 in hindsight, if I had to take an educated
11 guess, my educated guess is going to tell me
12 that John was not.

13 Q. The printed list that had
14 Mr. Fishman's name on it, did it have other
15 attorneys' names on it?

16 A. No, Sam Fishman's list -- and I call
17 it list for lack of a better term of not knowing
18 what else to call it. That's why I hate using
19 the term "list," because people think it means
20 something that it's -- it's not.

21 It would say -- it would be like tax
22 ID number belonging to Sam Fishman, to say
23 here's a tax ID number that shows all these
24 claims are currently somehow associated with

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1 that tax ID number.

2 And then you would have to go look at
3 the claim and say why is it associated with that
4 tax ID number.

5 Q. So --

6 A. Because you don't even know why. Our
7 computer just says somehow someone's associated
8 with it.

9 Q. So the mere connection of a claim to
10 Mr. Fishman was a reason for SIU to go look at
11 the claim?

12 A. Yes, during that litigation, yes.

13 Q. And who were the attorneys
14 representing State Farm in that litigation? Do
15 you know?

16 A. Oh, my God, there were a bunch of
17 people that were involved, people in corporate,
18 people, I think, in Chicago, I think
19 Mr. Goldberg's firm was involved, I think
20 Mr. Bradley somehow was involved, I think there
21 was a firm somewhere else in -- one in Chicago
22 that was involved. I don't know them all.

23 And it was -- I think Mr. Fishman had
24 attorneys. Other people involved had attorneys.

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1 Like I said, it was a very -- it ended up not
2 being a simplified case. It ended up being a
3 very broad spectrum.

4 You were involved, I think, for
5 Mr. Fishman.

6 Q. Not for Mr. Fishman.

7 A. Okay. See, that's that I mean. I
8 don't even know. I wasn't involved. It was
9 just a very large case that went on for years.

10 Q. What was the outcome of it? Do you
11 know?

12 A. I have no idea. It was all sealed.
13 And I didn't work on it, thank God. I don't
14 even know all the parties.

15 Q. Was the investigation that you
16 conducted in the Northeast where
17 Dr. Stavropolskiy worked previously, do you know
18 if Jeffrey Sorkin was connected to that
19 facility?

20 A. That name rings a bell, but only
21 because I heard the name before, not because I
22 remember ever investigating anything to do with
23 a Jeffrey Sorkin before, no.

24 Q. Do you know who Pat Parr is?

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1 A. My old boss?

2 Q. Your old boss?

3 A. Well, my -- okay. My boss's boss.

4 She was a superior to me.

5 Q. Who was your boss that she was the
6 boss of?

7 A. Austin Bowles and Bryan Acornley.

8 Q. Did Mr. Acornley, do you know,
9 communicate with Ms. Parr about projects?

10 A. Sure, yes.

11 Q. How do you know?

12 A. I sat in on conference calls with
13 Bryan and Pat Parr on the other end of the
14 phone. I met with Pat Parr when she would fly
15 in and have meetings with us.

16 Bryan would come into meetings and
17 say, I just got off the phone with Pat, I'm
18 giving you an update, or he would send emails
19 out saying, Here's the latest update from Pat.

20 Sometimes he would forward things
21 saying, Look what just came across my desk, and
22 it would be from Pat. She was a very nice
23 person.

24 Q. Was there any written communication

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1 that Mr. Acornley would regularly have with
2 Ms. Parr that you were aware of?

3 MR. CASTAGNA: Objection to
4 the form of the question.

5 THE WITNESS: Confusing
6 question. I apologize.

7 BY MR. BARATTA:

8 Q. As far as you know, did he have any
9 regular reporting requirements to her about what
10 was going on in the unit?

11 A. Oh, I don't know what his reporting
12 requirements to her were, whether they were
13 daily, weekly, monthly. I have no idea.

14 Q. Would you characterize Ms. Parr as
15 having been actively involved in what was going
16 on in your unit?

17 MR. CASTAGNA: Objection to
18 the form of the question.

19 THE WITNESS: I didn't --

20 MR. CASTAGNA: You can
21 answer.

22 THE WITNESS: I didn't speak
23 to her on a day-to-day basis, but if
24 you're asking me do I believe she knew

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1 what we were doing and did she have an
2 idea on what our unit did on on an
3 active quarterly, semiannually
4 annually basis, yes, she made it very
5 clear she did in the meetings she held
6 with us, along with on phone
7 conversations.

8 BY MR. BARATTA:

9 Q. And she was in that role during the
10 time that Mr. Bowles was still in the company?

11 A. I think he was either on his way out
12 and she was on her way in, or he had just left
13 and she came in. So Mr. Bowles was there, it
14 either was a very short time, or he was just out
15 the door and she was on her way in.

16 So I would say the person that had the
17 most communication or all the communication with
18 her would had been Bryan Acornley, not Austin.

19 Q. And was she still in that role when
20 you left the company?

21 A. Wow, that's tough for me to remember,
22 and only because when I left the company, we
23 were in the process of a State Farm
24 restructuring, and they were literally moving

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1 everybody around.

2 I believe that right before I left
3 with the company, I got a new -- new sectional
4 manager.

5 Q. Who was that?

6 A. I don't even know the gentleman's
7 name. It was a gentleman.

8 Q. Was he based in Concordville?

9 A. No -- oh, yes, yes, yes, he was.

10 Q. Who was it? You don't remember his
11 name?

12 A. I don't. I apologize. But the last
13 person I had conversations with about my job or
14 the last person I had conversations with
15 regarding projects or memos or reports that I
16 would file would had been her.

17 Q. Would you ever file reports directly
18 to her?

19 A. Never.

20 Q. Did you ever draft a project
21 recommendation memo?

22 A. Several.

23 Q. And was there -- did you draft those
24 on your own, or did you draft those with the

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1 assistance of counsel?

2 A. Both.

3 MR. CASTAGNA: Objection to
4 the form of the question.

5 BY MR. BARATTA:

6 Q. Did you ever draft one with the
7 assistance of Goldberg, Miller & Rubin?

8 A. I don't know. I can't remember the
9 last one I drafted before I left. I don't
10 remember who my attorney was.

11 Q. You mean State Farm's attorney?

12 A. State Farm -- yes, when I say "my
13 attorney," I mean the attorney that I hired on
14 behalf of State Farm, yes, sir.

15 Q. You've mentioned lead files in a
16 couple of answers. What is a lead file?

17 A. Simply a file in a project or MCIU
18 investigation, whichever you prefer to call it,
19 that is designated for the purposes of keeping
20 track of your investigation, your outside
21 resources, your reporting to management, your
22 expenses, so that they can be paid, so that
23 things aren't haphazardly scattered in ten
24 different claim files, which is the way things

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1 at times were done in the past.

2 You would have to try to collect all
3 the different files and put them together to say
4 here is everything. Corporate was like, you
5 know, that's ridiculous. You've got things
6 scattered in ten different claims. We have a
7 very hard time seeing what's going on here.

8 Put it all in one file so we can see
9 what's going on, we can track what's going on.
10 Then we can see what you're paying, what you're
11 not paying, so we had a designee. That's known
12 as a lead file.

13 Q. And did that instruction come from
14 your direct managers or from some people above
15 them?

16 A. They came from somebody higher up.
17 They just passed the word down.

18 Q. And who was it that passed the word
19 that you needed to start using lead files?

20 A. Bryan Acornley, because he -- he told
21 us he was told.

22 Q. And did he tell you who told him?

23 A. People above him.

24 Q. Do you know when that was that you

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1 started using lead files?

2 A. I don't remember the date, no, sir.

3 Q. Did you ever open any lead files?

4 A. Yes, sir.

5 Q. How many?

6 A. Half a dozen, possibly, give or take.

7 Q. And when you opened a lead file, was
8 it always because you had begun an
9 investigation?

10 MR. CASTAGNA: Objection to
11 the form of the question.

12 THE WITNESS: I opened a
13 lead file because I was investigating
14 something other than just one
15 individual claim. Maybe it was two
16 claims, maybe it was three claims,
17 maybe it was four claims.

18 But corporate didn't like
19 four different bills paid under four
20 different files. They wanted one bill
21 paid and designated to one file. In
22 order to do that, you needed to
23 designate one of those files as the
24 lead file. So, therefore, you would

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1 designate one claim as a lead file.

2 But, yes, you were
3 investigating something; otherwise,
4 you didn't have -- if you didn't have
5 an investigation, you didn't have a
6 file.

7 BY MR. BARATTA:

8 Q. You said earlier that you've engaged
9 in so many investigations over the years that
10 you couldn't put a number on it; correct?

11 A. Correct, 20-some years.

12 Q. But you said you only opened a half a
13 dozen or so lead files?

14 MR. CASTAGNA: Objection to
15 the form of the question.

16 THE WITNESS: You asked me
17 right before I left, did you open any?

18 BY MR. BARATTA:

19 Q. No, I'm -- I'm sorry if I limited it,
20 but in all of your time at State Farm, how many
21 lead files would you say you opened?

22 A. That I can't answer. I apologize. I
23 thought you meant in the time frame before I
24 left, did I open any lead files. So I apologize

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1 if I misconstrued your question.

2 Q. So what time frame were you operating
3 under --

4 MR. CASTAGNA: Objection.

5 BY MR. BARATTA:

6 Q. -- when you opened up a half dozen --

7 A. I would say --

8 MR. CASTAGNA: Objection to
9 the form of the question.

10 THE WITNESS: I was thinking
11 the year or two before I left.

12 BY MR. BARATTA:

13 Q. So in the year or two before you left,
14 you opened up a half dozen, but prior to that,
15 you had opened up many more?

16 MR. CASTAGNA: Objection to
17 the form of the question.

18 THE WITNESS: I had probably
19 opened up more than that, yes, but I
20 don't remember the time frame when we
21 started opening lead files.

22 I know in the past, years
23 ago, meaning from the time I started
24 with Mr. Murphy, even past 2000, even

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1 past that, we didn't have lead files.
2 We didn't have to designate a lead
3 file and say here's the lead file for
4 every single case.

5 BY MR. BARATTA:

6 Q. So that process started when
7 Mr. Acornley communicated it to you?

8 MR. CASTAGNA: Objection to
9 the form of the question.

10 THE WITNESS: Well, it could
11 have started before that.

12 BY MR. BARATTA:

13 Q. Well, when you said earlier it was
14 Mr. Acornley who said we've been told we need to
15 start using lead files, what were you referring
16 to?

17 A. That --

18 MR. CASTAGNA: Objection to
19 the form of the question.

20 THE WITNESS: -- from this
21 point forward, you don't have an
22 option. You must use a lead file for
23 every -- I mean, there might be times,
24 just for my own edification, that, you

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1 know what, I'm just going to put
2 everything under one file, but there
3 came a point, I guess maybe somebody
4 at corporate saw, hey, some guys are
5 using lead files, some aren't, there
6 came a point in time where somebody --
7 when I say "corporate," maybe it
8 wasn't corporate. Somebody higher up
9 than Bryan said we like this concept
10 of designating a lead file for a
11 project.

12 Maybe they saw it in another
13 region or zone. I have no knowledge.
14 But from this point forward,
15 investigators will not have an option.
16 Everybody will pick a lead file and
17 designate it, mark it, identify it.
18 And that's what happened.

19 BY MR. BARATTA:

20 Q. When opening a new project or any
21 multi-claim investigation?

22 A. Any --

23 MR. CASTAGNA: Objection to
24 the form of the question.

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1 THE WITNESS: -- multi-claim
2 investigation.

3 BY MR. BARATTA:

4 Q. And was that communication made before
5 or after Mr. Bowles retired?

6 MR. CASTAGNA: Objection to
7 the form of the question.

8 THE WITNESS: I can't answer
9 that. I don't even remember when
10 Mr. Bowles retired.

11 BY MR. BARATTA:

12 Q. If Mr. Acornley was the one who
13 communicated it to you, does that tell you it
14 was after Mr. Bowles retired?

15 A. No --

16 MR. CASTAGNA: Objection to
17 the form.

18 THE WITNESS: -- because I
19 told you Mr. Bowles and Mr. Acornley
20 many times conducted joint meetings.
21 So there were many times, even though
22 I was working for Austin Bowles, I was
23 sitting in a meeting Bryan Acornley
24 was conducting.

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1 BY MR. BARATTA:

2 Q. How would you pick the file to be
3 designated as the lead file?

4 MR. CASTAGNA: Objection to
5 the form of the question.

6 BY MR. BARATTA:

7 Q. Was it random? I mean, how would you
8 get --

9 A. Yeah.

10 MR. CASTAGNA: Objection to
11 the form of the question.

12 THE WITNESS: My
13 understanding, my understanding, I
14 could be wrong, there were no
15 parameters. It had to be a file
16 that -- that was associated with the
17 investigation that was still open.

18 And you would say, okay,
19 this file's open, associated with the
20 investigation, so we will tag it as
21 the lead file and we will keep it open
22 throughout the entire investigation,
23 but it wouldn't matter which one I
24 picked.

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1 BY MR. BARATTA:

2 Q. And when an investigation was over,
3 what would happen to the lead file?

4 A. We would close it.

5 MR. CASTAGNA: Objection to
6 the form of the question.

7 BY MR. BARATTA:

8 Q. Why?

9 A. No need for it. Anytime you're done
10 with the file, there's no further need for the
11 file, the claim is concluded or the
12 investigation is concluded, you close the file.

13 Q. Is that because you don't want to have
14 open files hanging around for no reason?

15 MR. CASTAGNA: Objection to
16 the form of the question.

17 THE WITNESS: It's policy at
18 State Farm.

19 BY MR. BARATTA:

20 Q. What's the policy?

21 A. When a file is concluded, whether it
22 be the investigation, whether it be the claim's
23 paid, but when you conclude a claim, part of the
24 investigation is you document everything that

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1 needs to be documented, fill out all the forms
2 and appropriate clicks for whatever
3 documentation purposes or statistical purposes
4 need to be done, and then you close the file.

5 Q. Did you have any expense authority
6 with respect to multi-claim investigations?

7 A. Yes.

8 MR. CASTAGNA: Objection to
9 the form of the question.

10 BY MR. BARATTA:

11 Q. Was it a dollar figure?

12 A. Yes.

13 Q. What was it?

14 A. Again, unfortunately, that's a what
15 and when question. It changed over time because
16 things were -- I know that sounds horrible, and
17 I hate to do that to you, sir, but there was a
18 time frame a year or two before I left, probably
19 two years, maybe even three years before I left,
20 up until my understanding is even six months or
21 so after I left that things were in just
22 constant motion at State Farm, meaning they were
23 literally changing sometimes between the 1st of
24 the month and the 30th of the month, they

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1 changed.

2 So for you to say what was your
3 expense authority, at one point the expense
4 authority they gave to SIU investigators was
5 minimal, like, extremely minimal, not even
6 enough for me to pay a surveillance report.

7 We were all up in arms. And I
8 specifically remember all of us going to Bryan
9 and saying that this is asinine. Do you realize
10 how many requests you're going to get on a
11 weekly basis, because I can't pay a single bill.

12 And if we couldn't pay a bill, that
13 means we had to send a request authority to our
14 manager, who then had to approve it, who then
15 had to send it back to us so that we could then
16 send it to the person that we were designating
17 to pay a bill.

18 And we were like, so if you multiply
19 all the guys you have, multiply all the bills
20 that hit my desk every day, you're not going to
21 have time to breathe.

22 And he was like, yeah, I haven't even
23 thought of that. So he had to get ahold of
24 somebody that said you got raise this authority.

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1 So the authority, I think, ended up going to
2 15,000.

3 Q. And when was that? Do you know?

4 A. I don't know.

5 Q. Was it --

6 A. That, I believe, was the maximum
7 authority when I left. And we keep talking
8 about -- just for clarification, for the record,
9 we keep talking about time frame.

10 I think it's probably better if the
11 record reflect that I left in August of 2015,
12 however, I stopped working at State Farm
13 November of 2014.

14 I did not do any work or perform any
15 work after November 2nd, 2014 for State Farm
16 Insurance, and then I officially retired on, I
17 believe, October -- August 28th of 2015.

18 So let the record reflect, when I say
19 during my time frame, I'm really referring up
20 until November 2nd of 2014, because that's the
21 last day I was actually in a State Farm office
22 working.

23 Q. Okay. Thank you for telling me that.

24 MR. BARATTA: Let's mark

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1 this as 2.

2 (Auto Claim File Print File
3 History Information marked for
4 identification as Exhibit Denner-2.)

5 (At this time, a discussion
6 was held off the record.)

7 BY MR. BARATTA:

8 Q. What's in front of you, Mr. Denner, is
9 Denner-2, and this is a portion of the Eastern
10 Approach, Aquatic Therapy lead file, okay --

11 MR. CASTAGNA: Objection to
12 the form of the question.

13 BY MR. BARATTA:

14 Q. -- to just orient you to it. And I
15 want -- you'll see at the bottom of the pages a
16 Bates stamp number. See where it says,
17 "Confidential produced"?

18 A. Yes, sir.

19 Q. At the end, there's a six-digit
20 number?

21 A. Yes, that's Easter number, and then it
22 has a number after that.

23 Q. Right. I'm going to refer to Bates --
24 that's a Bates number.

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1 A. Yes.

2 Q. So I would like you to go to 255972.

3 A. Yes, sir.

4 Q. And I want to direct you to the top of
5 the page, January 26, 2012, entry by David
6 Dormer?

7 A. Yes, sir.

8 Q. Who's David Dormer?

9 A. A claim representative at State Farm
10 Insurance.

11 Q. Was he in the SIU?

12 A. Dave Dormer? No, he was medical, MPC
13 rep.

14 Q. Not in the SIU?

15 A. I'm trying to remember if Dave had
16 ended up coming to SIU or not. I don't remember
17 if Dave ended up coming to SIU or not. I think
18 back in 2012, Dave was just a medical claim rep,
19 MPC.

20 Q. Well, the notes he makes is: Reopened
21 and reassigned to myself for lead file handling.

22 Did he have, as an MPC rep, the
23 ability to open lead files?

24 A. I don't know.

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1 Q. If you look at the entry, if you go
2 to --

3 A. You know, yeah, Dave did come to SIU,
4 I thought, but I don't remember when.

5 Q. Okay. If you can't remember --

6 A. I can't remember. I'm sorry.

7 Q. If you go to the previous page,
8 255971, at the very bottom, entry is
9 January 31st, 2012, by David Dormer, and that
10 entry continues onto the next page.

11 A. Uh-huh.

12 Q. And it says: Paid GM&R invoice in the
13 amount of \$432?

14 A. Yeah, that's --

15 MR. CASTAGNA: Objection to
16 the form of the question.

17 THE WITNESS: Paid Goldberg,
18 Miller & Rubin invoice, that's what
19 that means to me, a \$432 bill, and
20 then dropped same to file.

21 We're electronic, so after
22 he paid the invoice, he's going to
23 have the image put into the file.

24 BY MR. BARATTA:

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1 Q. And then if you go to the previous
2 page, 255971, he makes another entry on
3 February 27th, 2012: Paid GM&R invoice in the
4 amount of \$1,174.50. Dropped same to file?

5 A. Same thing, paid Goldberg, Miller &
6 Rubin invoice.

7 MR. CASTAGNA: Same
8 objection.

9 THE WITNESS: Designates the
10 amount that he's paying, and then he's
11 going to place the invoice into the
12 file.

13 BY MR. BARATTA:

14 Q. Do those entries by David Dormer,
15 opening a lead file and then paying GM&R
16 invoices, tell you anything about this file?

17 A. It tells me that for Dave Dormer, it's
18 a lead file for him, and that he's paying
19 invoices associated with it.

20 Q. And would those invoices be for work
21 associated with the lead file?

22 MR. CASTAGNA: Objection to
23 the form of the question.

24 THE WITNESS: Could have

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1 been. Appear to indicate.

2 BY MR. BARATTA:

3 Q. Now, on -- if you go on 255971, a
4 little bit higher up, on March 26, 2012,
5 Mr. Dormer makes a note: Reviewed on cal,
6 C-A-L, period, lead file.

7 A. Whoa, where are we?

8 Q. March 26, 2012. It's --

9 A. Oh, okay. I see it. All right.

10 Q. Reviewed on calendar, lead file?

11 A. Uh-huh.

12 Q. What --

13 A. That means -- it doesn't say -- yeah,
14 it says reviewed. Okay. I thought it said
15 received. It says reviewed on calendar, meaning
16 an electronic calendar popped up, because we
17 would set calendars for ourselves.

18 So an electronic calendar popped up,
19 and he's stating that my lead file popped up on
20 calendar, and he reviewed it, meaning he looked
21 at the file. And when you look at a file, you
22 look -- do just that, look at it. Is there
23 anything I have to do today?

24 Q. Does the fact that he didn't close the

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1 file indicate that it was still a lead file and
2 was to remain open?

3 MR. CASTAGNA: Objection to
4 the form of the question.

5 THE WITNESS: The fact that
6 he didn't close it indicates that it's
7 still open.

8 BY MR. BARATTA:

9 Q. If there was no investigation going on
10 in connection with a lead file, would there be
11 any reason to keep the lead file open?

12 MR. CASTAGNA: Objection to
13 the --

14 THE WITNESS: Maybe he
15 had --

16 MR. CASTAGNA: -- form.
17 Calls for speculation.

18 THE WITNESS: -- a bill.
19 Maybe he had a statement he was
20 waiting for. Maybe there was a
21 document that was still at bay.

22 There's a lot of reasons a
23 file can remain open -- you're waiting
24 for something to come in still,

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1 somebody owes you something still,
2 somebody says they're going to be
3 submitting something to the file that
4 you still have yet to receive.

5 How do I say this politely?
6 It was -- I'll be frank about it. It
7 was a pain in the ass at State Farm to
8 reopen an electronic file if you knew
9 you were getting documents.

10 Now, if the file opened
11 years later, that's a different story,
12 but you certainly didn't want to close
13 a file simply to reopen the file 30
14 days later.

15 So, you know, Goldberg,
16 Miller & Rubin had another bill that
17 they were going to submit or, you
18 know, they -- he was paying bills for
19 something, maybe Goldberg, Miller &
20 Rubin was mailing him something, and
21 he said, Hey, you know, I need to mail
22 the bill -- or to the file, I paid
23 your bill.

24 He's not going to simply

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1 close the file, and then 30 days later
2 get their documents and have to
3 reattach it, so, sure, it might be
4 open.

5 BY MR. BARATTA:

6 Q. Go to the next note, almost two months
7 later, May 17th, 2012. John Costanzo makes an
8 entry: Extended expense authority to \$15,000.

9 Do you see that?

10 A. Yes, because people such as Dave
11 Dormer, when we had a limited expense authority,
12 that's what I told you before about limited
13 expense authority, and unless somebody like an
14 SIU rep or a manager increased the authority,
15 then bills couldn't be paid.

16 So let's say the authority was set at
17 2,500, and 2,000 had already been paid or 2,100
18 had already been paid. Then the next bill
19 would -- comes in. Better not exceed that three
20 or \$400, or it just physically can't be paid.

21 So John would have to raise the
22 authority to make sure that incoming bills could
23 be paid. That's what John's doing here.

24 Q. So would you -- would he have done

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1 that?

2 A. That's what he just did.

3 Q. Would he have done that, though, if
4 there was no more bills expected?

5 MR. CASTAGNA: Objection to
6 the form of the question. Calls for
7 speculation.

8 THE WITNESS: Yeah, you
9 would have to ask John, but I'm
10 assuming the answer would be yes, he's
11 expecting something; otherwise, we
12 have closed the file.

13 BY MR. BARATTA:

14 Q. Did you ever make a note like that:
15 Extended expense authority to \$1,500?

16 A. Many times.

17 Q. And did you ever do it in a lead file?

18 A. Many times.

19 Q. Did you ever do it in a lead file that
20 there was no more investigation occurring in?

21 MR. CASTAGNA: Objection to
22 the form of the question.

23 THE WITNESS: Not that I can
24 think of.

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1 BY MR. BARATTA:

2 Q. Would there be any reason to extend
3 expense authority in a lead file that there was
4 nothing happening in and there was nothing
5 expected to happen in?

6 MR. CASTAGNA: Objection to
7 the form of the question.

8 THE WITNESS: Are you
9 telling me I didn't expect to have a
10 miscellaneous bill come in or
11 anything?

12 BY MR. BARATTA:

13 Q. I'm telling you that if there was a
14 lead file that got accidentally by mistake left
15 open because everyone else just forgot to close
16 it, would there be any reason to make a note
17 extending expense authority to \$15,000 in that
18 file?

19 MR. CASTAGNA: Objection to
20 the form of the question.

21 THE WITNESS: Not that I can
22 think of.

23 BY MR. BARATTA:

24 Q. Can you think of an instance where a

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1 lead file just got accidentally left open?

2 MR. CASTAGNA: Objection to
3 the form of the question.

4 THE WITNESS: I'm sure
5 things accidentally happen all the
6 time at big insurance companies, but
7 when you notice something's
8 accidentally open, you close it when
9 you figure it out.

10 But I'm sure somebody's
11 going to find files after I left that
12 I accidentally left open and shouldn't
13 have.

14 BY MR. BARATTA:

15 Q. Well, in those files --

16 A. But I can't think of any that I did.
17 I hopefully closed the ones I was supposed to
18 close.

19 Q. Let's say you accidentally left a file
20 opened before you left. Would you expect
21 someone like David Dormer to have reviewed it
22 twice and John Costanzo to have extended expense
23 authority in it, not realizing that it should
24 have been closed?

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1 MR. CASTAGNA: Objection to
2 the form of the question. Calls for
3 speculation.

4 I can't tell you not to
5 answer.

6 THE WITNESS: I don't know
7 what -- I don't know what was in their
8 thought process when they were going
9 through this file. I don't have the
10 objectability to know what they were
11 thinking.

12 They obviously were going
13 through this whole file, they saw this
14 whole file, they saw other things
15 going on. They knew this file --
16 obviously, they've got several pages
17 worth of documentation in it. It's
18 not just one note. They clearly have
19 seen this file multiple times.

20 So I don't want to say why
21 they did or didn't close it. They
22 must have had a reason they did or
23 didn't close it.

24 I can't think of why they

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1 did or why they didn't, but I'm not
2 going to speculate as to it was a
3 mistake, it wasn't a mistake, they
4 were waiting for a bill that never
5 showed or, you know, he should have
6 made authority 2,500, not 15,000. I
7 don't know.

8 BY MR. BARATTA:

9 Q. But looking at those entries, does it
10 appear to you that this was an active open lead
11 file during that time frame?

12 MR. CASTAGNA: Objection.
13 Calls for speculation.

14 THE WITNESS: It is open.
15 It says this.

16 BY MR. BARATTA:

17 Q. What do you mean, it says this? It
18 says it's active and open?

19 MR. CASTAGNA: Objection to
20 the form. Calls for speculation.

21 THE WITNESS: Well, it's
22 active because it's still popping up
23 on a diary system, so you know it's an
24 active file. It's still in the

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1 inventory system, so, therefore, it's
2 not closed or moved from the claim
3 inventory.

4 Therefore, every time they
5 rediary it, they have to physically
6 put a new date. The system doesn't
7 put dates in automatically. They have
8 to put a date in. They have to click
9 on a date and rediary it.

10 BY MR. BARATTA:

11 Q. If you go --

12 A. So they're clicking on a date to
13 rediary the file and telling it to pop up again
14 for them.

15 Q. And would anybody make a note to
16 rediary a file that should be closed?

17 MR. CASTAGNA: Objection.
18 Calls for speculation.

19 THE WITNESS: Again, I can't
20 answer for somebody else. I wouldn't
21 rediary a file that I never wanted to
22 see again. I don't know why John or
23 Dave would or why both of them would.
24 That's something you need to ask Dave,

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1 I guess.

2 BY MR. BARATTA:

3 Q. Go to the next -- previous page,
4 255970. And at the bottom of that page should
5 be an entry on July 25th, 2012, by Mr. Acornley,
6 at the very bottom?

7 A. July 25th, 2012, at 8:45 a.m. in the
8 morning, correct, management.

9 Q. And it says: Category: Management,
10 investigation?

11 A. Yes.

12 Q. If you turn the page, at the very top
13 of the next page is the actual entry that he
14 made, which is capital OAR-SIU?

15 A. Uh-huh.

16 Q. Reviewed, rediary, January 24th, 2013,
17 do you see that?

18 A. Yes. See, that's exactly what I was
19 talking about. Mr. Acornley is saying that he
20 opened the file, reviewed it, and he is setting
21 himself a diary to rereview this again, on
22 January 24th, 2013, that he physically opens up
23 the calendar, goes to the calendar, clicks to
24 set his name and to tell the computer to find

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1 this file again and bring it back into his queue
2 on January 24, 2013.

3 The computer doesn't know how to do
4 anything without him; otherwise, it would just
5 sit in the queue forever. So he's telling it to
6 get out of my queue, I've reviewed it, and I
7 would like to see it again on January 24th.

8 Q. Did Mr. Acornley ever do open
9 assignment reviews on lead files that you were
10 handling?

11 MR. CASTAGNA: Objection to
12 the form of the question.

13 THE WITNESS: Sure. That's
14 what OAR stands for.

15 BY MR. BARATTA:

16 Q. And was it your experience that
17 Mr. Acornley was diligent in those reviews and
18 would actually open the files and look at them?

19 MR. CASTAGNA: Objection to
20 the form of the question. Also calls
21 for speculation.

22 THE WITNESS: I can't assume
23 what Mr. Acornley did or didn't do. I
24 didn't sit behind him and look over

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1 his shoulder. He -- this is something
2 he would mark in my files. He would
3 use the same acronym, open assignment
4 review, SIU. Sometimes he would say
5 reviewed, sometimes he would say
6 reviewed, then put a comment after it,
7 sometimes he wouldn't.

8 Sometimes he'd just say open
9 the assignment, reviewed it, and then
10 he'd say, I'm going to look at it
11 again, Jeff, in three months, six
12 months.

13 A lot of times for Bryan,
14 especially in initial assignments,
15 which is what you said this was, he
16 would say I'll see it again in six
17 months, because he would want to give
18 you six months to work on it.

19 Sometimes he'd give you a
20 note and say do the following or come
21 talk to me or whatever. I don't know.
22 But I can't tell you that's what he
23 did. I never sat over his shoulder.

24 BY MR. BARATTA:

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1 Q. Would you expect that Mr. Acornley
2 would open a file, do an open assignment review,
3 make that entry, diary it for six months hence,
4 and not realize that the file should be closed
5 because there was nothing going on in the file?

6 MR. CASTAGNA: Objection to
7 the form of the question. Also calls
8 for speculation.

9 THE WITNESS: I'm going to
10 ask you to rephrase it and slow it
11 down a little bit, because I really
12 got confused.

13 BY MR. BARATTA:

14 Q. If Mr. Acornley has said that he --
15 this file was accidentally left open, that there
16 was nothing going on in it, and the OAR he did
17 was just a matter of course and was not
18 something he paid any attention to, does that
19 appear to you based on these entries that you
20 just looked at to be accurate testimony?

21 MR. CASTAGNA: Object to the
22 form of the question. Calls for
23 speculation.

24 THE WITNESS: I -- I

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1 certainly can't tell you whether
2 Mr. Acornley's testimony is accurate,
3 inaccurate, confusing, not confusing.
4 Only he can tell you that.

5 All I can tell you is
6 OAR-SIU reviewed is something that I
7 would routinely see by Bryan in my
8 files.

9 Again, sometimes it would
10 just be OAR-SIU reviewed, meaning he
11 opened the initial assignment that I
12 sent him and he reviewed it. Other
13 times he would say I opened the
14 initial assignment and reviewed it,
15 and then he would give me a little
16 blurb, do this, don't do this, talk to
17 so-and-so, come and see me. Sometimes
18 there was, sometimes this was all it
19 said.

20 And then, yes, there was
21 always a calendar date, because
22 there's a -- by -- by design of our
23 computers, you must physically put in
24 a calendar date. If you click out of

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1 it, it simply goes right back into
2 your queue and comes right back to you
3 again.

4 Your only options are close
5 the file or assign it to a future date
6 or move it to a different claim rep
7 altogether, reassign it to another
8 person, which is an ordeal. That's
9 actually hard to do.

10 BY MR. BARATTA:

11 Q. In the time frame of 2010, '11, '12,
12 up until the time that you left in November of
13 2014, was there anything going on in the unit or
14 going on at State Farm that would have let a
15 particular investigation fall by the wayside or
16 be forgotten or be put on the back burner?

17 MR. CASTAGNA: Objection to
18 the form of the question.

19 THE WITNESS: We were always
20 busy, but I don't think anybody would
21 forget about an investigation.

22 I mean, I was always busy.
23 I had one of the largest inventories
24 in our unit for almost ten years

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1 straight, but I never forgot about an
2 investigation. You know, you work and
3 you do what you can, you get to what
4 you can, you ask for assistance when
5 you can.

6 I don't know John
7 personally. I only know him as a
8 co-worker and as a co-worker friend.
9 John is not the forgetful type. I
10 don't think John just totally forgets
11 about his job. He's very
12 conscientious, he's hard working, he's
13 smart.

14 John doesn't -- you know, he
15 might forget about a claim file. I
16 mean, like I said, I'm sure I've done
17 that. But I'm not going to ignore an
18 investigation that I'm supposed to be
19 doing.

20 My manager wouldn't let me
21 ignore an investigation, either. I
22 mean, management has checks and
23 balances to keep. They don't have
24 checks and balances on hundreds and

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1 hundreds of claims files we have.

2 Those could slip through the cracks,

3 but --

4 BY MR. BARATTA:

5 Q. So based on your experience, if

6 there's a lead file with repeated reviews,

7 expense authority, OAR going on, to you, that

8 appears to be an active investigation?

9 MR. CASTAGNA: Objection to
10 the form of the question.

11 THE WITNESS: It appears
12 somebody documented the file that
13 there's an investigation.

14 That's what I said. I don't
15 know when John started his -- I don't
16 know anything about this case. I
17 don't know when he started his
18 investigation in this case.

19 I don't know if this is the
20 lead file for this case. I have no
21 idea. I don't even know if this case
22 has anything to do with this file,
23 with this investigation. I don't know
24 anything about it.

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1 BY MR. BARATTA:

2 Q. You said that you --

3 A. I don't see any of the defendants
4 listed here anywhere.

5 Q. You said that you had one of the
6 largest inventories in the unit --

7 A. Yes.

8 Q. -- correct?

9 A. Because we had claim files as well as
10 projects or MCIU investigation, whatever it is
11 you all want to call them.

12 Q. How would you know what was in anyone
13 else's inventory?

14 MR. CASTAGNA: Objection to
15 the form of the question.

16 THE WITNESS: Because we
17 would get that printout at meetings
18 that would show the names of projects
19 and who was assigned to projects, so
20 you could very easily see how many
21 projects you had, how many projects
22 other people had.

23 We also had something called
24 an open claim inventory that would

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1 show how many open claims. It was
2 called an open claim count. It would
3 show -- in the old days, it would show
4 how many open claims were assigned to
5 you, meaning this would count as one
6 claim opened and assigned to John, if
7 John was the claim handler.

8 Then it became -- at some
9 point they decided that just because
10 it was a claim file, it wasn't fair,
11 because some claim files were more
12 interesting than others, so it became
13 a what's known as COL, cause of loss
14 count.

15 So one file may be one file,
16 but there might be six causes of loss
17 that you're handling in that claim
18 file. So then it became a cause of
19 loss count, so that it would -- State
20 Farm started totaling up the total of
21 the causes of loss that you were
22 handling.

23 So that routinely came
24 out -- not routinely. That came out

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1 every so often. So you could look at
2 it and say, wow, I'm handling "X"
3 number of investigations, as well as
4 all these COLs, and this guy's
5 handling this, this guy's handling
6 this, so you could see.

7 Now, that doesn't
8 necessarily mean -- the argument there
9 is, yes, but some investigations are
10 harder than others. Some litigation
11 is harder than others. So that's what
12 management had to do there, weighing
13 and balancing act.

14 BY MR. BARATTA:

15 Q. Would Robin Seeler participate in
16 those meetings with managers?

17 MR. CASTAGNA: Objection to
18 the form of the question.

19 THE WITNESS: What do you
20 mean, managers?

21 BY MR. BARATTA:

22 Q. Well, the ones you would go over the
23 inventory sheets?

24 MR. CASTAGNA: Objection to

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1 the form of the question.

2 THE WITNESS: Almost always.

3 I don't want to say all the time, but
4 most of the time she would, yeah.

5 BY MR. BARATTA:

6 Q. Was Robin Seeler the person who was
7 actually creating the inventory sheets?

8 MR. CASTAGNA: Objection to
9 the form of the question.

10 THE WITNESS: When Austin
11 was around, I think she did it for
12 Austin, because I know Austin would
13 say, if you have update on the sheet,
14 give it to Robin. You want to take
15 something off the sheet, give it to
16 Robin. If something needs to be
17 altered on the sheet, give it to
18 Robin. Which would all indicate to me
19 Robin's doing it, not me.

20 Bryan took care of his own
21 stuff. Bryan was very computer
22 literate. Bryan was also an I --
23 Bryan hated to delegate. Bryan was
24 just -- he was a workaholic. He did

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1 everything. So I don't know if Robin
2 did it for Bryan or not, but if I had
3 to take an educated guess, I'd say
4 that Bryan took care of all his own
5 stuff.

6 BY MR. BARATTA:

7 Q. So Bryan took care of his own
8 inventory sheet?

9 A. I --

10 MR. CASTAGNA: Objection.

11 THE WITNESS: -- don't know
12 that. I have no idea if Robin did it
13 or Bryan did it. One of the two did.
14 I'm only assuming Bryan did it because
15 Bryan was a hands-on manager. He
16 always did everything and always
17 volunteered to help everybody with
18 everything. He just was always on top
19 of things.

20 BY MR. BARATTA:

21 Q. Have you talked to any of your former
22 colleagues in the MCIU or SIU about the fact
23 that you were being deposed in this case?

24 A. No --

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1 MR. CASTAGNA: Objection to
2 the form of the question.

3 THE WITNESS: -- not one.
4 Didn't call them and nobody called me.

5 MR. BARATTA: I think that's
6 all I have. Thank you, Mr. Denner.

7 MR. CASTAGNA: I have a
8 couple follow-ups.

9 BY MR. CASTAGNA:

10 Q. Jeff, Mr. Baratta was asking you some
11 questions about surveillance. Do you know if
12 surveillance was conducted with respect to
13 this -- the investigation into the defendants in
14 this case?

15 A. I have no way of knowing that.

16 Q. Do you have any idea why, if
17 surveillance was conducted, why it was
18 conducted?

19 A. I don't even know what it was, so I
20 can't -- I don't know if it was, and, if it was,
21 I don't know why.

22 Q. Okay. Do you know the basis for any
23 decisions made regarding claims handling with
24 respect to any claims that involved either

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1 Eastern Approach or Aquatic Therapy, Dr. Wang or
2 Dr. Stavropolskiy?

3 A. None whatsoever.

4 Q. Do you handle -- do you recall
5 handling any claims that involved treatment at
6 either defendant facilities?

7 A. To the best of my knowledge, I have
8 never even looked at a file, let alone handled a
9 file involving these doctors.

10 Q. Do you know who represented the
11 insureds in those -- in any claims that involved
12 treatment by those providers?

13 A. I have no idea.

14 Q. Do you know why those law firms or
15 lawyers were selected?

16 A. I have no idea.

17 Q. Any involvement in the decision to
18 hire those attorneys?

19 A. None whatsoever.

20 Q. Do you recall a lawsuit that involved
21 a facility called Midtown Medical Center?

22 A. Yes, that was the one I was referring
23 to previously when I said I remembered the name
24 Sam Fishman.

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1 I just said he was one person involved
2 in many, many other entities, individuals,
3 et cetera. The case, we had it captioned as
4 Midtown. That's what State Farm called it.

5 Q. Do you know who Rob Tierney is?

6 A. Rob Tierney?

7 Q. Yes.

8 A. Yes.

9 Q. Who's Rob Tierney?

10 A. Works at State Farm.

11 Q. Is he the individual who replaced Pat
12 Parr as the section manager?

13 A. Yes.

14 Q. Do you know when Rob started at
15 State Farm, or, I should say, do you remember
16 when Rob replaced Pat?

17 A. I don't.

18 Q. Okay. But was that before you left --
19 and, again, using that November 2nd, 2014 date,
20 did Rob start before November 2nd, 2014 in
21 replacement of Ms. Parr?

22 A. He either replaced Pat relatively
23 quickly before that or right after that. I
24 never actually got a chance to meet Rob and sit

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1 down and talk with him one-on-one because he was
2 my new boss, but I knew who he was.

3 It was kind of like they said, Hey,
4 everybody's being replaced, but everybody was
5 replaced on paper before they were replaced
6 physically. So it was kind of around that time
7 frame.

8 So I knew Rob either was going to be
9 my boss and they were, like, just hold on,
10 you'll get a chance to meet him and sit down and
11 talk to him, or I left, and then they were like,
12 Oh, yeah, by the way, Rob's your boss, and I'm
13 like, oh, shoot.

14 So, no, I never actually got a chance
15 to sit one-on-one with Rob.

16 Q. Okay. Mr. Baratta was asking you
17 questions about lead files, and he was
18 specifically talking about a document that he's
19 marked as --

20 MR. CASTAGNA: Denner-2.

21 BY MR. CASTAGNA:

22 Q. -- Denner-2. Did you have any
23 involvement with respect to that lead file of
24 that claim?

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1 A. Other than --
2 Q. This is the one --
3 A. Other than seeing this printout, I've
4 never even seen this claim.
5 Q. Do you remember -- this might be
6 taxing your brain. It probably is.
7 A. All this is taxing me.
8 Q. But at some point in time, State Farm
9 changed their -- I'm going to use that layman's
10 term, "computer system," from --
11 A. CSR.
12 Q. -- from CSR to ECS?
13 A. Yep.
14 Q. Do you remember approximately when
15 that happened?
16 A. I couldn't tell you. It was a
17 drawn-out process. It was supposed to be quick,
18 and it never worked. The first time we tried
19 it, it didn't work.
20 Q. Did you keep track of your lead files
21 in any way other than if they came up on your
22 diary?
23 A. Did I personally?
24 Q. Yes, you personally.

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1 A. Yes, I kept a list of my lead files.

2 Q. So you kept a list?

3 A. Yes, a list.

4 Q. Do you know if anyone else kept a list
5 of their lead files?

6 A. You would have to ask each person
7 individually. I have no idea what they did or
8 didn't keep at their desk or their briefcases.

9 Q. Do you remember a change as a result
10 of -- as a result of that computer changeover
11 from CSR --

12 A. CSR to ECS.

13 Q. -- to ECS, do you remember a change
14 where, after that changeover from CSR to ECS,
15 that you had to go into the files and actually
16 give authority to the claims processors?

17 A. You had to open up every file
18 electronically and extend claim authority on
19 every file so that it could now be processed in
20 ECS, because until authority was actually typed
21 in and until a box was clicked saying who
22 authority was going to be given to, nobody had
23 authority.

24 Q. So --

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1 A. Because when the computer transitioned
2 overnight, you walked in the next day and
3 everything was ECS, all the authorities were now
4 blank.

5 Q. Okay.

6 A. Which meant nothing could be paid.

7 MR. CASTAGNA: I think
8 that's all the questions I have for
9 you, Mr. Denner, Jeff. Now I'm
10 calling you Mr. Denner at the end.

11 THE WITNESS: That's fine.

12 MR. BARATTA: Just a couple.

13 THE WITNESS: Sure.

14 BY MR. BARATTA:

15 Q. Why did you keep a list of your lead
16 files?

17 A. I didn't want to lose them because of
18 all these changeovers and all these computer
19 things happening.

20 And State Farm had done this many
21 times in my career, and I realized that many
22 times in my career, things -- people are like,
23 we can't get into the system and the system
24 didn't transfer things right or things were

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1 lost.

2 And as a -- what they used to call me,
3 an old-timer, as an old-timer, I realized that I
4 liked to keep things handy.

5 And I understand they wanted to be
6 paperless, but when you get computer glitches
7 and you can't get into a computer and nothing
8 seems to work, and people say, Well, now what do
9 we do, I'm like, Well, I got backup.

10 Q. Whenever that changeover occurred,
11 which required some new expense authority to be
12 entered into a claim file --

13 A. Yes.

14 Q. -- when that happened, did you go into
15 all of your lead files and write a new authority
16 expense extender?

17 A. I went into any file that was open and
18 granted authority to whatever I felt was
19 appropriate.

20 Q. And did you go into any claim files or
21 lead files that were no longer active to do
22 that?

23 A. No.

24 MR. BARATTA: That's all I

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1 have.

2 MR. CASTAGNA: No further
3 questions. Thanks, Jeff.

4 (Witness excused.)

5 (Deposition concluded at
6 1:22 p.m.)

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1 C E R T I F I C A T I O N

2

3 I, JENNIFER WEARNE, a Registered
4 Professional Reporter and Notary Public, do
5 hereby certify that the foregoing is a true and
6 accurate transcript of the stenographic notes
7 taken by me in the aforementioned matter.

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21 DATE:

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JENNIFER WEARNE, RPR

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